

**In the Matter Of:**

GREG DYKSMA, et al. vs. DEPUTY TOMMY PIERSON, et al.

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**DEPOSITION OF**  
**DEPUTY TOMMY PIERSON**

*October 19, 2017*

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1201 West Peachtree Street  
Suite 2300  
Atlanta, GA 30309  
404.847.0999

GREG DYKSMA, et al. vs. DEPUTY TOMMY PIERSON, et al.  
DEPUTY TOMMY PIERSON on 10/19/2017

DEPOSITION OF

IN UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

GREG DYKSMA and TAMMY )  
DYKSMA, as Parents and )  
Natural Guardians of )  
Nicholas Dyksma, Deceased, )  
and as Personal )  
Representatives of the )  
ESTATE OF NICHOLAS DYKSMA, )

CIVIL ACTION NO:  
4:17-cv-00041-CDL

Plaintiffs, )

vs. )

DEPUTY TOMMY PIERSON, )  
SERGEANT JOE HARMON, )  
DEPUTY HEATH DAWSON, )  
DEPUTY WILLIAM STURDEVANT, )  
and SHERIFF MIKE JOLLEY, )

Defendants. )

Oral deposition of Deputy Tommy Pierson,  
witness, called by the Plaintiffs, before Inna  
Russell, Certified Court Reporter, held in Harris  
County Courthouse, Grand Jury Room, located at 102  
N. College Street, Hamilton, Georgia 31811 on the  
19th day of October, 2017, commencing at 10:30 a.m.



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1 APPEARANCE OF COUNSEL

2 On Behalf of the Plaintiffs:

3 Craig T. Jones, Esq.  
4 The Orlando Firm  
5 315 West Ponce de Leon Avenue, Suite 400  
6 Decatur, Georgia 30030  
7 404.315.1800  
8 craig@orlandofirm.com

9 On Behalf of the Defendants:

10 Terry E. Williams, Esq.  
11 Williams, Morris & Waymire, LLC  
12 4330 South Lee Street, Bldg. 400, Suite A  
13 Buford, Georgia 30518  
14 (678)541-0790  
15  
16  
17  
18  
19  
20  
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DEPUTY TOMMY PIERSON on 10/19/2017

DEPOSITION OF  
Page 3

**INDEX OF EXAMINATIONS**

**PAGE**

**BY MR. JONES**

**06**



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DEPUTY TOMMY PIERSON on 10/19/2017

DEPOSITION OF  
Page 4

**INDEX TO EXHIBITS**

<b>PLAINTIFF</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
<b>Exhibit 1</b>	<b>Incident report</b>	<b>51</b>



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## S T I P U L A T I O N S

IT IS STIPULATED AND AGREED by and between  
counsel appearing for the respective parties that:

(1) The oral deposition of Deputy Tommy  
Pierson, called by the Plaintiffs, taken before  
Inna Russell, in Harris County Courthouse, Grand  
Jury Room, located at 102 N. College Street,  
Hamilton, Georgia, commencing at 10:30 a.m., on  
the 19th day of October, 2017;

(2) ALL FORMALITIES with reference to notice  
of taking, notice of time and place of taking,  
qualifications of the court reporter, and all  
other matters precedent to the taking of  
deposition, are WAIVED;

(3) With consent of deponent, the reading and  
signing of the deposition by deponent is NOT  
WAIVED;

(4) ALL OBJECTIONS, EXCEPT as to the form of  
the question and responsiveness of the answer, are  
RESERVED to the time of the hearing of the case;  
and

(5) ALL FORMALITIES with reference to the  
filing of deposition, including notice of filing,  
et cetera, are WAIVED.

## 1 Deposition of Deputy Tommy Pierson

2 October 19, 2017

3 MR. JONES: This will be the deposition of  
4 Thomas C. Pierson, taken by the Plaintiff for  
5 purposes of discovery, cross-examination and all  
6 other purposes allowed by law. And the deposition  
7 is taken by agreement of counsel and pursuant to  
8 notice. And all objections will be reserved,  
9 except for those going to the form of the question  
10 or the responsiveness of the answer; is that  
11 agreeable?

12 MR. WILLIAMS: That's agreeable. We'll  
13 reserve signature.

14 MR. JONES: Okay. Go ahead and swear him in,  
15 please.

16 THOMAS C. PIERSON,

17 Having been duly sworn, testified under oath  
18 as follows:

## 19 E X A M I N A T I O N

20 BY MR. JONES:

21 Q. Mr. Pierson, can you tell us your full name  
22 for the record?

23 A. Thomas Carl Pierson.

24 Q. Okay. And we are at the Harris County  
25 Courthouse today taking your deposition?

1 A. Yes, sir.

2 Q. Okay. Are you -- you are presently an inmate;  
3 right?

4 A. Yes, sir.

5 Q. What is your status as far as law enforcement  
6 goes? Do you still have the certification or has  
7 that been suspended?

8 A. Not active.

9 Q. Not active?

10 A. No, sir.

11 Q. Is it under suspension until you can have an  
12 appeal or something or is it done-done?

13 A. I'm not sure, but I'm done with it.

14 Q. You are done with it, you are not going back?

15 A. No, sir.

16 Q. Okay. How long have you been in law  
17 enforcement?

18 A. I guess, it was around about five years or so.

19 Q. Okay. And how much of that five years was  
20 with Harris County Sheriff's Department?

21 A. Approximately, a year and a half.

22 Q. Approximately, a year and a half. Where did  
23 you work before that?

24 A. Muscogee County Sheriff's Office.

25 Q. Oh, in Muscogee? Why did you leave Muscogee?



1 A. To come to Harris County. It was home.

2 Q. It's close to the home?

3 A. I live up in Harris County.

4 Q. Okay. And did you have any -- were there any  
5 problems, you know, any reasons why you left Muscogee  
6 as far as, you know, any discipline or personality  
7 conflicts with anybody or anything like that, that  
8 made you want to leave?

9 A. No, sir, not at all.

10 Q. Okay. So you are -- I guess, if you grew up  
11 here, you know Sheriff Jolley; right?

12 A. Yes, sir.

13 Q. Is that how you got the job? You went to  
14 him?

15 A. No, sir. He doesn't actually do the hire and  
16 fire, from what I understand.

17 Q. Okay. So you just put in the application, you  
18 didn't, like, call -- you didn't call up anybody that  
19 was already here to try to put --

20 A. I've known some people that work up here. But  
21 I mean, if you're asking about special favors or  
22 anything, I don't know of any.

23 Q. Okay. You don't have a -- for example, you  
24 don't have a family member that was in the  
25 department?

1 A. No, sir. No family member, just friends.

2 Q. And what is your current family situation as  
3 far as being married and having kids and all?

4 A. Married, kids, blended family.

5 Q. Okay. It's none of my business, but how are  
6 they taking this situation that you are in right now?

7 A. Well, we are -- we are all fighting through it  
8 together.

9 Q. Okay.

10 A. And it's --

11 Q. Are you getting -- are they getting  
12 counseling?

13 A. We're looking into some things, to do some  
14 things.

15 Q. Are you getting counseling or that's still up  
16 in the air, I guess?

17 A. I've talked to a couple of people but nobody  
18 on a regular basis.

19 Q. Okay.

20 A. Except for clergy.

21 Q. Okay. We are -- you know, we are here about  
22 -- you know we are not here about that. You are here  
23 about that later, but I mean, we are here right now  
24 just about this incident involving my client Nicholas  
25 Dyksma, you know, who died in this traffic stop?

1 A. Yes, sir.

2 Q. You have a good memory of that incident?

3 A. Good being relative.

4 Q. Okay. Well, let me put it this way. Do you  
5 remember when that occurred, approximately?

6 A. The date?

7 Q. Yeah. Or you know, the month and the year.

8 A. Late summer. Was it August or September or  
9 something, 2015.

10 Q. Okay. And how long after that did you stop  
11 working as a deputy sheriff?

12 A. February of '16.

13 Q. Okay. So basically, it just happened within  
14 the last six months of your employment; right?

15 A. About six or seven months.

16 Q. Right. And I assume, at some point you know,  
17 you found out you have been sued, you got some papers  
18 and you reviewed some documents, maybe looked at some  
19 videos?

20 A. I didn't actually receive any papers.  
21 Mr. Williams called me and we touched base. And he  
22 told me how and what was going on. But I never  
23 received any papers.

24 Q. Okay. Yeah, I think I sent them to the  
25 department and you weren't here anymore, so they took

1     them for you.

2     A.     Okay.

3     Q.     So in preparation for the deposition today,  
4     did you look at the video or any of the videos of the  
5     incident?

6     A.     Yes, sir, I looked at some.

7     Q.     Okay. When did you -- when was the last time  
8     you saw that video?

9     A.     We went over it earlier.

10    Q.     Earlier today?

11    A.     Yes, sir.

12    Q.     Okay.

13    A.     Briefly, very briefly.

14    Q.     Okay. But did you look at the -- do you  
15    remember whose car the video you looked at? I don't  
16    guess it matters, but.

17    A.     I don't. I don't know whose it was.

18    Q.     But this was the one that -- it's a video --  
19    did you look at more than one video or just one?

20    A.     Just one.

21    Q.     Okay. You saw -- you saw the video that  
22    showed Mr. Dyksma being extracted from the car and  
23    being, you know, being placed in custody?

24    A.     Yes, sir.

25    Q.     Right. And the -- what do you remember about

1 that -- I guess, what do you remember about being  
2 dispatched on that incident? In other words, what's  
3 -- this stuff is not on the video, you know, the  
4 stuff that would have transpired before the video;  
5 what do you remember about that?

6 A. To the best of my memory, a call came from 911  
7 dispatch. They said there was a police chase coming  
8 out of Columbus towards Harris County, and they were  
9 asking us to respond for assistance.

10 Q. Okay. And do you know whether the -- what do  
11 you recall as far as what the underlying cause of the  
12 police chase was? Do you know why they were pursuing  
13 him?

14 A. We didn't know at the time.

15 Q. You didn't know, you just knew there was a  
16 pursuit?

17 A. Yes, sir.

18 Q. Okay. And I guess, the idea was that y'all  
19 would pick it up at the county line?

20 A. If need be.

21 Q. If need be. And where did you -- I guess,  
22 where were you approximately when you got that call;  
23 do you remember?

24 A. I believe, I was over at Warm Springs Road,  
25 315 area.

1 Q. So about how far is that from the scene when  
2 y'all stopped Dyksma's truck?

3 A. Several miles. I don't know.

4 Q. Yeah. So tell me when you got the call, where  
5 did you go as far joining in to the --

6 A. The route of travel I took?

7 Q. Yeah. Where would you have gone? Yeah,  
8 exactly, what route would you have taken?

9 A. I would have taken Highway 315. I headed  
10 west, and then I got on Holland Road and cut over to  
11 Highway 27 and went south on 27.

12 Q. South toward Columbus?

13 A. Yes, sir.

14 Q. So and then, did you -- did you get out -- did  
15 you stop and position yourself somewhere and wait for  
16 him or --

17 A. No, sir, he was --

18 Q. He was already there when you got there?

19 A. He was still traveling north when I passed,  
20 then I turned around.

21 Q. Okay. So you then became the lead vehicle in  
22 the pursuit?

23 A. Yes, sir.

24 Q. Was there any other car behind him when you  
25 joined in?

1 A. No, sir.

2 Q. The Muscogee people had already called off the  
3 pursuit?

4 A. Yes, sir. They said they had broke it off at  
5 the county line.

6 Q. How far away was that from where you picked it  
7 up?

8 A. I don't know the exact distance, but I would  
9 say it was probably -- I don't think it was more than  
10 a mile. It was pretty close.

11 Q. So and they basically -- your understanding is  
12 that they stopped at the county line, knowing that  
13 you guys were going to pick it up?

14 A. I believe they came into the county a little  
15 bit. Are you familiar with Harris County at all?

16 Q. Not so much. A little bit.

17 A. Okay. My understanding, they broke it off  
18 right around Coca Lake.

19 Q. Okay. I guess, what I'm asking, did they  
20 follow -- did they basically just kind of fall back  
21 and follow until they were confident that you had it  
22 under control?

23 A. I can't speak for them.

24 Q. Did you see them? Did you see their blue  
25 lights?

1 A. I did not, no.

2 Q. So you -- at some point -- are you saying at  
3 some point then, they turned around before you  
4 actually picked up the pursuit? You never saw them?

5 A. I never saw them. I saw the vehicle that they  
6 were pursuing.

7 Q. Yeah. Did you -- did you see any other --  
8 were there any other Harris County vehicles in the  
9 area before you were or were you the first one there?

10 A. I was the first one there.

11 Q. Okay. So when you first saw the vehicle, how  
12 fast was it going?

13 A. I don't recall.

14 Q. It was -- was he -- at that point, was he  
15 still running or did it look like he had slowed down  
16 and was trying to, you know, trying to vanish in the  
17 scenery?

18 A. I believe, he had slowed at that point.

19 Q. He had slowed down?

20 A. Yes, sir.

21 Q. And then, when he saw you -- well, when you  
22 got behind him, he started to pick it up again?

23 A. Yes, sir.

24 Q. Okay. At the point where you picked it up,  
25 did you have an idea on the subject? Did you have a



1 tag number or anything?

2 A. When I got behind him, I got his tag number.  
3 Prior to that, we had a vehicle description.

4 Q. So nobody from Muscogee or Columbus had  
5 radioed ahead the tag information or anything?

6 A. I don't remember if they did or not.

7 Q. If they did, it didn't come to you?

8 A. I don't remember.

9 Q. I guess -- well, you are not on the same radio  
10 frequency as they are, are you?

11 A. No, sir, we are not.

12 Q. So whatever call you got, it came from your  
13 dispatcher?

14 A. Right.

15 Q. And so you wouldn't know what was communicated  
16 by them to your dispatcher?

17 A. No, sir. They have those records.

18 Q. Okay. So is it fair to say that all you knew  
19 was that there was a pursuit and it was coming in on  
20 27, and you were headed that way?

21 A. Yes, sir.

22 Q. And so can you tell us what happened once --  
23 let's see, we were talking about speed. When you  
24 first saw him, were you approaching from the opposite  
25 direction?

1 A. Yes, sir.

2 Q. Okay. So he went by you?

3 A. Yes, sir.

4 Q. And I guess, is that when you turned your blue  
5 light on or was it already on because you were  
6 responding to the scene?

7 A. I did not have blue lights on at that time.

8 Q. You did not?

9 A. No, sir.

10 Q. So there wouldn't be any video of you going to  
11 the scene?

12 A. I don't know if the video would have been on  
13 or not, but.

14 Q. Okay. But when you turned around to start  
15 pursuing him, you turned it on then; right, blue  
16 light and siren?

17 A. Not until I had gotten up to where I know the  
18 deputy was.

19 Q. How come you didn't do that? I mean, how come  
20 you didn't turn on your blue light? Were you trying  
21 to just basically follow him as opposed to stopping  
22 him?

23 A. Well, I got behind him. We were trying to  
24 make sure we identified the vehicle, had it right.  
25 To the best of my memory, this may or may not be

1 completely accurate, but my sergeant, who was the  
2 next one we came across, had told me to wait until I  
3 got up to him. He was at the intersection of Holland  
4 and 27. And when I got to him, that's when I turned  
5 on the lights.

6 Q. Okay. So it's fair to say, you didn't make  
7 any attempt to stop the vehicle until then; right?

8 A. Not until I was advised to.

9 Q. Okay. And when you were advised to, had they  
10 already put stop strips down at that point?

11 A. No, sir. Not at that point.

12 Q. So at that point, you were -- you were going  
13 to go and try to stop him because there were also  
14 backup officers there?

15 A. Yes, sir.

16 Q. And so was he -- until you turned his blue  
17 lights on -- until you turned all your blue lights,  
18 was he basically staying within the speed limit or  
19 close to it?

20 A. I believe. I don't recall specifically.

21 Q. But then, when you turned on your blue light  
22 to stop him, he didn't stop, did he?

23 A. No, sir, he didn't.

24 Q. And what did -- did he accelerate? Did it --  
25 was it an O.J. pursuit or was he trying to get out of

1 there?

2 A. No. He was trying to evade me. It wasn't a  
3 slow O.J. pursuit.

4 Q. Right. This was, what, at one o'clock in the  
5 morning?

6 A. I believe, it was -- I want to say around  
7 2:00, actually.

8 Q. Okay. So basically, it's an open road?

9 A. Very, very little traffic. I don't recall  
10 seeing another vehicle on the road at that time.

11 Q. And if there had been, you would have seen  
12 their headlights well in advance?

13 A. Yes.

14 Q. So you get -- when you started trying to --  
15 how far would you say you pursued him before he got  
16 to the stop strips?

17 A. Several miles. I don't know exactly.

18 Q. So you told me about where you picked him up  
19 at; right? Holland Road, I think?

20 A. That's where we turned the lights on and tried  
21 to get him to stop.

22 Q. Okay. And do you remember the -- can you  
23 remember any frame of reference as far as where the  
24 stop actually happened, like a mile marker or a cross  
25 road or anything?

1 A. I don't know the mile marker, but it was just  
2 north of 27 and 208 intersection.

3 Q. Okay. I just came in there -- they are paving  
4 it right now.

5 A. Are they?

6 Q. Yeah. So from here to Talbotton, it's like  
7 stop and go. Well, Waverly Hall to Talbotton.

8 A. Yeah.

9 Q. So. How -- how far is it basically from  
10 Holland Road to 208? I mean, it is what it is. I  
11 just want to see if you can give us an  
12 approximation.

13 A. I don't know. Four or five miles, maybe.

14 Q. Okay.

15 A. I'm not sure.

16 Q. All right. And so what would you say was the  
17 top speed that you got to during the pursuit?

18 A. To the best of my knowledge, it was -- we went  
19 over 80, I believe.

20 Q. Okay. And it's probably -- what is that, 55  
21 there or 60?

22 A. It's -- 55 is the highest that gets on that  
23 road. We went through some lower zones as well.

24 Q. Okay. All right. So basically, he was going  
25 about as fast as I would have if the road wasn't

1 being paved.

2 So tell me what happened and, you know,  
3 whether -- I know you saw the video recently. So  
4 basically, if you could just kind of tell me what you  
5 remember from that point forward, whether you  
6 actually remember it in your head or whether you saw  
7 it on the video. You know, just kind of give me your  
8 impression of what happened from that point.

9 A. Well, during the pursuit, like I said, the  
10 speeds got up, I'm sure, over 80. He was driving a  
11 good bit on the wrong side of the road.

12 Q. Um-hum. As were you? I mean, you go around  
13 curbs, you cross the center line now and then;  
14 right?

15 A. Yeah, right.

16 Q. But I understand, you have -- you have  
17 authority to operate an emergency vehicle under  
18 emergency vehicle conditions, and he doesn't. You  
19 know, he's got to comply with the speed limit.

20 A. Right.

21 Q. So that's the only thing you got him -- right  
22 now you got him for speeding and crossing the center  
23 line; right?

24 A. And eluding.

25 Q. Eluding. Right. Okay. And so plus whatever

1 they wanted him for in Muscogee, which you still  
2 don't know what that is?

3 A. Right.

4 Q. Okay. So tell me what -- go ahead and  
5 continue what you were saying.

6 A. Okay. Being the lead car, I was focused on  
7 him, staying behind him and driving. Sergeant Harmon  
8 behind me was radioing, communicating with other  
9 officers and dispatch. They set the stop strips up  
10 in front of the VFW. That was Deputy Sturdevant.

11 There was a good hit on the tires. We didn't  
12 know where he was going. So once the tires were  
13 blown, I don't remember if all of them got hit or  
14 not, but I know there was a good hit, and the vehicle  
15 slowed down. But he was still trying to drive.

16 As we approached 208, when his vehicle was  
17 slowing down, I pulled up alongside of him and  
18 Sergeant Harmon stayed behind him.

19 It looked as though, from what I remember, it  
20 looked as though he was going to turn towards 208.  
21 So I kind of cut him off there. And then, I got  
22 between him and 208. And he was slowing down like he  
23 was going to stop. I pulled over in front of him.  
24 And when I got in front of him, he accelerated again  
25 and hit my vehicle.

1 Q. His tires were flat at that point, whether he  
2 realized this or not; right?

3 A. I don't know how many were flat. I know we  
4 got at least a couple of them, but I don't know how  
5 many.

6 Q. But you think, you think -- do you think he  
7 stopped voluntarily or do you think he just stopped  
8 because of the strips and his car was disabled?

9 A. I thought he was stopped involuntarily.

10 Q. Okay. And then he tried to kick it when you  
11 --

12 A. The vehicle could still move without tires.  
13 It can't go near as fast. You don't have the control  
14 of it, but it could still move.

15 Q. Now, it's off the road at this point; right?

16 A. No, sir.

17 Q. No, it's not?

18 A. At this point, we are still on the road.

19 Q. Okay.

20 A. Yes.

21 Q. So tell me what happens next. He tries to  
22 give you a head fake and --

23 A. And he rammed into my vehicle. Then we went  
24 from there over into the ditch. After he hit my  
25 vehicle, I steered over into the --



1 Q. Um-hum.

2 A. -- got him off the road. I believe, Sergeant  
3 Harmon was the first one out of a vehicle. I  
4 couldn't get out immediately. My door was pinned  
5 with the truck.

6 Q. Right. Y'all were kind of T-bone together?

7 A. Side-by-side.

8 Q. Side-by-side.

9 A. Yeah. But I couldn't open my door, so I think  
10 Sergeant Harmon got out first. I backed up a little  
11 bit where I could open my door and get out.

12 Q. Okay.

13 A. Sergeant Harmon was yelling verbal commands at  
14 him. He was not following those commands.

15 Q. "Get the fuck out of the vehicle", that kind  
16 of thing?

17 A. I believe, he said something like that.

18 Q. Yeah. And the guy -- was the guy in the  
19 vehicle, Dyksma, you said he wasn't responding to  
20 command. Could you see him doing anything in  
21 response to command, like was he trying to start the  
22 car up or, you know?

23 A. The car was still running. The vehicle was --

24 Q. Was he trying to get away or was he just  
25 sitting there and not doing anything?

1       A.     The vehicle was still running. And at one  
2 point after we had gotten out, he tried to drive off  
3 again. And the fact that he was in the ditch, his  
4 tires wouldn't catch, but he did move several feet.  
5 I don't know how far, but his vehicle moved a good  
6 bit when he tried to drive off.

7             Deputy Dawson busted the window out for  
8 Sergeant Harmon. Sergeant Harmon ended up tasing him  
9 at some point. And I don't know exactly when that  
10 was.

11       Q.     Is it your understanding he was still inside  
12 the truck when he was tased or was it after they  
13 pulled him out?

14       A.     I don't know for sure.

15       Q.     Okay.

16       A.     I believe, he was inside.

17       Q.     Right. And so did you -- do you know if he  
18 got a good hit on the Taser?

19       A.     I don't know. As far as I know, he did, but  
20 I'm not sure.

21       Q.     I mean, when they pulled him out of the --  
22 when they pulled him out or when y'all pulled him out  
23 of the truck, he was temporarily immobilized, wasn't  
24 he, by the Taser?

25       A.     He was -- not at that point. I think, he was

1 -- I think, when we pulled him out, he was already  
2 resisting us.

3 Q. So the Taser probably basically just slowed  
4 him down enough to where y'all could get him?

5 A. The Taser only is a five second  
6 incapacitation. As soon as that five seconds is  
7 over, you've got full ability to do whatever.

8 Q. Well, you know, and they start -- if it's  
9 still connected, I mean, you could always, they could  
10 always give him another jolt?

11 A. Yes, he could have done that.

12 Q. Do you know if he did that?

13 A. No, I don't know.

14 Q. Do you know if he did it once, twice, three  
15 times or whatever?

16 A. I don't know.

17 MR. JONES: Okay. We don't have the logs on  
18 that, do we? I don't think I --

19 MR. WILLIAMS: In the GBI. You got the GBI  
20 file; right?

21 MR. JONES: What did they say, one or two?

22 MR. WILLIAMS: One.

23 MR. JONES: Five seconds?

24 MR. WILLIAMS: One of five seconds.

25 BY MR. JONES:

1 Q. And so tell me what -- tell me everything you  
2 can remember after he was -- after you saw -- well,  
3 hold on a second. You know somebody tased him, you  
4 didn't see him tase him?

5 A. I believe, I saw it.

6 Q. Okay. You just weren't sure whose hand it  
7 was?

8 A. I think, it was -- I'm sure it was Sergeant  
9 Harmon that did it.

10 Q. Harmon, okay. Do you know that because of the  
11 --

12 A. I know when we were looking at the video.

13 Q. Got you.

14 A. I know he was the one that was on that side of  
15 the vehicle while Deputy Dawson and I were on the  
16 passenger side, trying to get that door open.

17 Q. Right. And actually once -- so when Harmon  
18 tased Dyksma, he at that point, he had already broken  
19 the window and was able to get inside of the vehicle;  
20 right?

21 A. The door was locked. I don't know when he  
22 ended up opening it, if he opened that door.

23 Q. Oh, that's right.

24 A. The window was broken, but I don't know if the  
25 door ever came up on the driver side.

1 Q. The idea was once he was going to be able to  
2 reach in to do it, but then the guy started going the  
3 other way?

4 A. I don't know.

5 Q. Okay. So anyway, he tases him and you guys,  
6 you and Dawson are on the other side?

7 A. Yes, sir.

8 Q. Okay. And tell me what you and Dawson did as  
9 far as removing Dyksma from the car.

10 A. Deputy Dawson was the first to -- I opened the  
11 door, and while I was -- after I opened the door,  
12 Deputy Dawson was already pulling him out.

13 I assisted Deputy Dawson as did Deputy  
14 Sturdevant as well. He arrived on scene as we were  
15 gaining control of him, getting him on the ground and  
16 handcuffed. So we got him handcuffed. We searched  
17 him for weapons. I believe, Deputy Sturdevant found  
18 a weapon in his waistband and --

19 Q. Was it a knife in his pocket; is that what you  
20 are talking about?

21 A. I thought it was in his waistband.

22 Q. Pocket knife; right?

23 A. No. I didn't find --

24 Q. How do you put a knife -- how do you put a  
25 pocket knife in your waistband?

1 A. I didn't find it. I don't know.

2 Q. Okay. But anyway, you took a knife from --  
3 but your understanding was he wasn't wielding the  
4 knife, he had it on his --

5 A. He had it on him. Yes. It wasn't in his  
6 hands.

7 Q. Right. And y'all would have -- y'all, what,  
8 naturally patted him down --

9 A. Right.

10 Q. -- to see what he had.

11 A. Right. We patted him down, searched for  
12 weapons.

13 Q. And in that process took out his wallet and  
14 anything else too; right? To get a --

15 A. If he had anything on him.

16 Q. Right.

17 A. He was wiggling around, trying to get up, move  
18 around. We were trying to hold him still. I didn't  
19 do the pat down, so I don't know what was found or  
20 pulled off of him.

21 Q. How would you describe his demeanor when you  
22 got him out? I mean, did he look like he was  
23 impaired?

24 A. I would say he was -- he was under the  
25 influence of something, but I didn't know what.

1 Q. Okay. Did you -- this is maybe a difficult  
2 question, but when you -- the whole time you were  
3 pursuing him, was he in control of the vehicle or was  
4 he ever like weaving out of the control or anything  
5 like that?

6 A. I don't remember exactly. I haven't seen the  
7 video from that.

8 Q. But when you say that he was -- I mean, he  
9 basically, I mean, he took you on a chase for four or  
10 five miles; right?

11 A. Yes, it was not safe driving.

12 Q. Right. I understand that.

13 A. He wasn't taking precautions as he was  
14 driving.

15 Q. Right. I understand that. I guess what I'm  
16 saying is that he was in control of the vehicle, he  
17 just was not -- he was breaking the law?

18 A. Definitely breaking the law.

19 Q. Right.

20 A. Yes.

21 Q. And I guess what I'm trying to say, was he  
22 like, you know, was he like, you know, falling down,  
23 unable to drive a car, you know, drunk or on drugs or  
24 was he just, you know -- how did he appear to be?  
25 You said he looked like he was under the influence of

1 something.

2 A. Just by his -- his eyes were kind of glazed  
3 over. And we didn't see him walking. We didn't see  
4 him, you know, his fine motor skills. We didn't see  
5 any of that.

6 Q. Right. Y'all took him out and put him on the  
7 ground, so you can handcuff him; right?

8 A. Right.

9 Q. And I guess what I'm getting at is he was --  
10 whatever it was, he was impaired to where, you know,  
11 he was able to be in control of a car and to resist  
12 you. But you could still tell, once you got to him,  
13 you could still tell that there was something not  
14 right?

15 A. There seemed to be something not right. But  
16 again, I didn't know what it could have been.

17 Q. Did you hear him say anything?

18 A. He didn't -- I did not hear him say any  
19 words.

20 Q. Yeah. Did you hear him making any noises,  
21 like maybe rambling incoherently, you know, just  
22 speaking nonsense?

23 A. No, sir. Nothing he -- no noises seemed to be  
24 trying to communicate. The noises were kind of a  
25 screaming.



1 Q. Okay.

2 A. Or not trying to say words.

3 Q. Right. Now, as far as the screaming, are you  
4 talking about just the reaction to the Taser or are  
5 you talking about, like, getting in your face, you  
6 know, yelling, you know, kind of thing?

7 A. Well, again, he wasn't trying to say words  
8 when we were -- when we were trying to gain control  
9 of him and get handcuffs on him, I know he was just,  
10 I guess, more like almost frustration, but it sounded  
11 like "rrrrrrrr", but.

12 Q. Okay.

13 A. But he did not appear to be trying to  
14 communicate any words to us.

15 Q. Right. I guess, you said frustration, you  
16 know, you couldn't -- can you tell -- well, could you  
17 tell if he -- it looked like he was in pain? Was he  
18 grimacing or whatever?

19 A. He didn't appear to be in pain.

20 Q. Okay. So whatever he was on, maybe  
21 anesthetized him?

22 A. Perhaps. I can't speak to that.

23 Q. Yeah. I guess, I mean, if you were to tase me  
24 right now, I'd probably scream, you know. I'd get  
25 over real quick, but I would probably scream. So I'm

1 wondering, did he just kind of scream and stop or did  
2 he just keep on screaming?

3 A. People have different reactions to Tasers.  
4 Some people will scream, some people won't make a  
5 sound.

6 Q. Yeah.

7 A. I've seen people that weren't affected by  
8 Tasers. They just grabbed the prongs and popped them  
9 out and kept going.

10 But the Taser was over when we were  
11 handcuffing him. He was -- he was kind of lurching  
12 at us and -- not lurching at us, but he was on the  
13 ground.

14 Q. When he was on the ground, was he still on --  
15 was he on his back at this point or stomach?

16 A. He was on his stomach.

17 Q. On his stomach.

18 A. He was faced down. And we were trying to get  
19 the handcuffs on him. And even after we had the  
20 handcuffs on him, he was still trying to kick his  
21 legs and push back against us and everything, so.

22 Q. But at that point, when he is on the ground  
23 and he is handcuffed and he is, you know, he is kind  
24 of kicking his legs still, there is -- basically, at  
25 that point, there is four officers and one him;

1 right?

2 A. There was four officers on the scene, yes.

3 Q. Okay. At least three of them were --

4 A. Three of us holding --

5 Q. -- holding him down?

6 A. We are holding him and get him handcuffed and  
7 search him for weapons.

8 Q. Okay. So the screaming, would you say was he  
9 screaming like somebody that had just been tased or  
10 was he screaming like a madman?

11 A. I don't know. Screaming may be the wrong  
12 word.

13 Q. Yelling?

14 A. Just making some noise. He was making noise.  
15 It was like the growl kind of thing, I did the pirate  
16 "rrrrrrrr".

17 Q. Okay. And you heard him -- whatever the noise  
18 was, you heard it on the video too; right? You could  
19 hear him?

20 A. I believe it was on there. But he was -- he  
21 never made any effort to communicate with us. We  
22 tried to ask him his name, ask for ID. He wasn't  
23 giving us anything.

24 Q. Okay. And so why did you put your knee on his  
25 neck?

1 A. I had my knee on his upper back, just to  
2 control him.

3 Q. Um-hum. And at some point, was he on his  
4 back? Was he always on his stomach when you were  
5 applying --

6 A. When we were handcuffing and searching him, he  
7 was on his stomach. Once we had him cuffed, the  
8 handcuffs double-locked and he was cleared, I believe  
9 Deputy Sturdevant rolled him up on his side and held  
10 him up in that position.

11 Q. Did you -- when you -- you put this -- as far  
12 as the when you put the knee on him, what would you  
13 call that? Just kind of a pressure-hold or you were  
14 just trying to pin him down, so he wouldn't move?  
15 What was the objective there?

16 A. We were just trying to keep him still, so we  
17 could get the job done.

18 Q. Okay. Were you still doing that after -- or  
19 did you do it some more after he got rolled over?

20 A. Onto his back?

21 Q. Um-hum. (Indicating in the affirmative)

22 A. No, sir.

23 Q. Okay. On the video, it looks like there's two  
24 different times where you put a knee on him. It's  
25 like you do it at first for a few seconds or so. And

1 then at one point, you change position and then you  
2 do it again for, you know, a longer period. Do you  
3 know why you changed position?

4 MR. WILLIAMS: Object to the form to the  
5 extent it mischaracterizes what the video shows,  
6 because I think the first time is a little longer  
7 than the second time.

8 MR. JONES: That may be right.

9 MR. WILLIAMS: But they are both pretty  
10 short.

11 BY MR. JONES:

12 Q. There were two different distinct - you are in  
13 two different positions and without -- the time is  
14 shown by the video, so I won't speculate about that.

15 But at first, you have a knee on him, and then  
16 you kind of changed positions, and then you put a  
17 knee on him again. Do you know why you changed  
18 positions?

19 A. From one side of him to the other?

20 Q. Yes.

21 A. Is that what you are talking about?

22 Q. I think that's what it was. Yeah.

23 A. Okay. I don't know why I went from one side  
24 to the other unless, I mean, just the whole thing was  
25 -- it was a dynamic situation.

1 Q. Right.

2 A. So I don't know if somebody asked me to go  
3 around to the other side or why I may have moved, I  
4 don't know.

5 Q. And I'm just -- I mean, was it just a comfort  
6 thing, you know, you wanted to change knees or was it  
7 a balance thing or --

8 A. I maintain my balance very well all the time.  
9 I know I wasn't off balance. I had most of my weight  
10 on my other leg, and that one was just on him to make  
11 sure he wasn't pulling up and trying to pull away.

12 Q. You were basically holding yourself up with  
13 your other leg and then you were putting the knee on  
14 him to hold him down?

15 A. Right. As he would push against my knee, I'd  
16 push back against him.

17 Q. And you said it was the upper back. Do you  
18 think that it was also a part of the neck?

19 A. I don't believe it was, but.

20 Q. Okay. Did anybody tell you -- did any of the  
21 other officers there tell you, you know, to stop  
22 doing that at some point?

23 A. No, sir.

24 Q. Did anybody kind of wave you off?

25 A. No, sir.

1 Q. As far as the movement -- as far as, you know,  
2 you being in two different positions when you have a  
3 knee on him, would you agree that one of the times is  
4 more visible on the camera than the other time, just  
5 because of the position of the body?

6 A. Yes, sir.

7 Q. And were you at all conscious of the whether  
8 -- of the cameras or anything when you were doing  
9 this --

10 A. No.

11 Q. -- as far as wanting to either show what's  
12 going on or not show what's going on?

13 A. No, sir.

14 Q. Okay. So how long all total would you say you  
15 had a knee on his upper back or whatever you describe  
16 it?

17 A. As you said, the video shows the time, so I  
18 don't want to speculate, but.

19 Q. Right. At some point, when you were doing  
20 that, did you notice that he stopped making noise?

21 A. He was still making a little bit. He was  
22 breathing heavy. He was -- he wasn't doing that  
23 grunting growl type sound, but he was breathing heavy  
24 and made some little noises.

25 Q. When he was breathing heavy, was the breathing

1     itself making noise? I mean, was he just breathing  
2     heavy or was it like -- did you hear it like a  
3     retching kind of thing noise?

4     A.     It just sounded like he was out of breath.

5     Q.     Just out of breath?

6     A.     Winded.

7     Q.     Yeah. And what were the other officers doing  
8     when you -- you were positioned at the upper end of  
9     his body where you were holding him down with the  
10    knee. How were the other officers holding him down?

11    A.     I don't know.

12    Q.     Did you see anybody with the knee on his lower  
13    back or anywhere else on him?

14    A.     I don't recall.

15    Q.     Okay. Just the technique of holding him down  
16    with your knee, was that something you were trained  
17    to do?

18    A.     No.

19    Q.     It was just something that kind of seemed  
20    natural in that incident?

21    A.     Yes, sir.

22    Q.     You had two hands, I mean, why would you use a  
23    knee as opposed to your hands to hold him down?

24    A.     I was keeping my hands available for other  
25    things.



1 Q. Were you involved in as far as -- what did you  
2 need your hands for at that point?

3 A. Well, I didn't know what I might need them  
4 for.

5 Q. Got you. Somebody else was cuffing him;  
6 right?

7 A. I believe, Deputy Dawson was the one that  
8 actually put the handcuffs on him, but I was -- I did  
9 have an arm while he was doing that.

10 Q. Right. You didn't personally search him, did  
11 you?

12 A. No, sir. I don't believe so.

13 Q. So you were basically there just to keep him  
14 from moving; right?

15 A. Until the search was done.

16 Q. Were you trying to keep -- when you were  
17 putting pressure on his upper body, were you trying  
18 to keep him from moving his lower extremities?

19 A. No, sir. I was just up on the upper body.

20 Q. You were just trying to keep him from like  
21 being able to sit up or get up?

22 A. Right. To roll over or to sit up or --

23 Q. And you didn't have to worry about his hands  
24 because he was already cuffed at that point; right,  
25 when you were holding him down?

1 A. I believe so, yes.

2 Q. Okay. So once he was cuffed, what was the  
3 point of continuing to hold him down as opposed to  
4 just going ahead and put him in the back seat of a  
5 patrol car?

6 A. Well, he wasn't searched until after he was  
7 cuffed. So once the search was complete, then --  
8 that's when, I think, Deputy Dawson and myself walked  
9 away from him and Deputy Sturdevant stayed with him.

10 Q. Okay.

11 A. So once the search of his person was complete,  
12 that's when we stepped away.

13 Q. At some point, were you aware that he just  
14 stopped resisting, stopped moving?

15 A. It wasn't until we were done. I know that  
16 while I was holding his upper, if I would just shift  
17 my weight a little bit, any time I took any pressure  
18 off of him, he was pushing up on me and trying to  
19 lift his upper body, so it was after we had completed  
20 that.

21 Q. You never heard him say anything like, "I  
22 can't breathe" or anything like that, did you?

23 A. No, sir.

24 Q. But you said he was breathing heavily?

25 A. He was -- he was breathing, yes.

1 Q. Okay. At some point, you noticed that he was  
2 no longer breathing?

3 A. We continued to check for breathing and pulse.  
4 He was non-responsive. At one point, I don't know  
5 who noticed, but one of the deputies, either Dawson  
6 or Sturdevant, said something about an ammonia pack,  
7 and they tried to bring him back to his senses that  
8 way.

9 Q. Smelling salts?

10 A. The smelling salts, right. But I don't know  
11 -- I don't remember exactly which one that was.

12 Q. And that was done before anybody called an  
13 ambulance; right?

14 A. The ambulance --

15 Q. Or was the ambulance already on the way  
16 because of the Taser?

17 A. I believe it was.

18 Q. Okay.

19 A. That's something that 911 would have to verify  
20 with their records.

21 Q. Now, let me ask you this. Was y'all's  
22 standard procedure at Harris County to call an  
23 ambulance any time you put Taser darts in somebody?

24 A. Yes, sir.

25 Q. And why is that?

1 A. For them to remove the prongs.

2 Q. Okay. So and that's automatic, any time you  
3 tase somebody with a -- is it just in dart mode that  
4 you call an ambulance?

5 A. In what mode?

6 Q. Dart mode?

7 A. Dart mode? Oh, with the deployment of it?

8 Q. Right.

9 A. Yes, as far as I know.

10 Q. Because you know there is also, you know,  
11 there's also a stun mode you use?

12 A. The drive stun.

13 Q. The drive stun. And that basically is just  
14 for pain compliance, but it's noninvasive, it doesn't  
15 put anything in the body or anything; right?

16 A. Just electricity. Right.

17 Q. And it doesn't leave a dart or anything like  
18 that?

19 A. Right.

20 Q. So if you -- if you drive stun somebody and  
21 then they comply and you make an arrest, you have to  
22 -- you have to do a report that you used a Taser,  
23 but, you know, you don't automatically call an  
24 ambulance for that, do you, unless the person seems  
25 to be injured?

1 A. If they request one, obviously we would. If  
2 they seem to be injured, we would.

3 Q. Right.

4 A. I don't believe so. I never used my Taser for  
5 any purpose, so.

6 Q. You've never had to deploy --

7 A. I've never deployed it or drive stun.

8 Q. But you were certified in it?

9 A. I did -- I had one, I just did not use it.

10 Q. Right. But you were trained in Taser,  
11 certified in Taser, you had a Taser. But that wasn't  
12 -- that wasn't your role in this incident?

13 A. No, sir.

14 Q. Okay. And so, I guess, what I'm getting at is  
15 that the ambulance was called because the Taser darts  
16 needed to be removed. And y'all would do that  
17 automatically whether he asked for it or whether he  
18 appeared to be in need of medical attention or not;  
19 right?

20 A. That's my understanding of what happened.

21 Q. It's kind of like taking a fish hook out;  
22 right?

23 A. Yeah.

24 Q. You don't want to -- you don't want your drunk  
25 uncle to do it, you want to -- you want a nurse to do

1 it if you can't. You want your mom to do it.

2 A. Right.

3 Q. So they -- how did they go about -- is there a  
4 particular signal or a code that's used on the radio  
5 for "okay, we need an ambulance", for when you need  
6 an ambulance for the sole purpose of removing Taser?

7 A. No, sir. I don't recall a specific code. I  
8 know Harris County uses a lot of plain talk, just  
9 like I'm talking to you.

10 We did have some codes that we would use. But  
11 for a situation like that, nothing that I know of as  
12 far as specific codes, just plain talk.

13 Q. Okay. And there was -- did you hear the radio  
14 traffic about the ambulance being requested?

15 A. I don't remember hearing any radio traffic.

16 Q. Do you remember hearing anybody there at the  
17 scene talk on the radio about the require -- had him  
18 -- requesting him an ambulance?

19 A. I know that Sergeant Harmon told me that there  
20 was one on the way.

21 Q. And he is the one that used the Taser; right?

22 A. Yes, sir.

23 Q. So he would naturally be the one to do it?

24 A. Right. At some point, I know he told me that  
25 there was one on the way.

1 Q. Okay. Do you remember any calls on radio  
2 where the dispatcher and other officers were radioing  
3 in, expressing concern because they didn't know who  
4 needed the ambulance?

5 A. Not at that time.

6 Q. Later on, did you --

7 A. All the -- all the officers on the shift were  
8 on the scene.

9 Q. Right.

10 A. But later, one of the 911 dispatchers told me  
11 that when the ambulance was requested, they thought  
12 it was me that needed it.

13 Q. Right. And do you know why there was some, I  
14 guess, there was kind of several minutes of confusion  
15 where no one would actually -- no one actually went  
16 on there and said, "Who it was that needed the  
17 ambulance?" Are you aware of that?

18 A. I know that Sergeant Harmon said over the  
19 radio that I had been hit. I think, he used the word  
20 or the term "rammed".

21 Q. Talking about the car?

22 A. The car. I think, he said rammed. But again,  
23 you know, I wasn't -- my responsibility wasn't radio  
24 communication at that time.

25 Q. Right.

1       A.     And like I said, it wasn't until later that  
2     the dispatcher actually told me they thought it might  
3     have been for me because they had not heard me over  
4     the radio.

5       Q.     Got you.

6       A.     And they weren't sure if the ambulance was for  
7     me or the -- Mr. Dyksma.

8       Q.     And didn't -- wasn't the watch commander or  
9     whoever it was, didn't they come on and say, you  
10    know, "Is it one of us?"; do you remember that?

11    A.     I don't remember.

12    Q.     Okay. In any event, they got the ambulance  
13    there pretty quick; right?

14    A.     I don't know how long it took. I know, you  
15    know, it seemed like everything in one way seemed  
16    really fast, in another way, it seemed really slow.  
17    It was just kind of a weird situation.

18    Q.     Okay. But you knew -- y'all knew the  
19    ambulance was on the way when y'all noticed that  
20    Mr. Dyksma was unresponsive; right?

21    A.     Right.

22    Q.     And did y'all -- did any of y'all do any kind  
23    of CPR to try to resuscitate him before the ambulance  
24    got there?

25    A.     Yes. Sergeant Harmon actually requested that



1 the ambulance step it up, get there quicker, and told  
2 them that, you know, he was unresponsive.

3 Q. And there was still some confusion at that  
4 point about who it was that was unresponsive?

5 A. I don't know.

6 Q. You weren't on the radio; right?

7 A. I don't remember the radio transmissions. I  
8 was focused on the scene.

9 Q. Okay.

10 A. But at some point, one of the other officers  
11 suggested we move him to the road, the blacktop, and  
12 start CPR or start compressions.

13 Q. Why the blacktop instead of the soft ground?  
14 I'm not a -- I'm not trained in it, so I'm just  
15 curious.

16 A. Well, from what they said was let's get him on  
17 hard flat surface.

18 Q. It's easier to do compressions if they are on  
19 a flat surface?

20 A. I guess. And you don't have rocks and stuff  
21 sticking up in the back either.

22 Q. Oh, yeah.

23 A. I mean, it was not at the -- the shoulder was  
24 sloped.

25 Q. Do you have the CPR training?

1 A. No, sir.

2 Q. Okay. And of the officers that were there, do  
3 you know who did?

4 A. I don't.

5 Q. Who was actually doing the compressions?

6 A. I believe, Sergeant Harmon may have started.  
7 And then when he got tired, I did the compressions  
8 and then Deputy Sturdevant, I want to say, took over  
9 until the ambulance got there.

10 Q. So you did the compressions, even though you  
11 weren't trained in it, just because you've seen it  
12 done?

13 A. Yes, sir.

14 Q. Okay. And y'all -- what did you do, like a  
15 hundred times and then switch off?

16 A. I don't know how many we did.

17 Q. You just kept doing it?

18 A. You know, we tried to keep a good rhythm going  
19 and trying to help the guy. It was pretty much until  
20 you get tired.

21 Q. Yeah. At some point, before the ambulance got  
22 there, did you get the sense that it wasn't working  
23 and that it was useless and then y'all -- there  
24 wasn't anything else that y'all could do?

25 A. No, we continued on until the ambulance got

1 there. We did our best to help him out.

2 Q. Okay. And do you know when the ambulance guys  
3 got there, when the paramedics got there, do you know  
4 if he was alive at that point? Did anybody say  
5 anything about whether there was a heartbeat or  
6 whether he was breathing or anything?

7 A. I have no idea.

8 Q. Okay. How long were the paramedics there?  
9 Was it a quick load and go or did they spend a lot of  
10 time working on him?

11 A. They spent some time, I don't know if it was a  
12 lot or not, but you'd have look at the records, I  
13 don't know.

14 Q. Do you know if -- was it your understanding  
15 that he was dead when they left the scene?

16 A. Nobody told me that.

17 Q. Okay. When did you find out that he had died?

18 A. It was several hours later when I found out.

19 Q. And where were you when you found out?

20 A. I believe, I was at the Sheriff's Office.

21 Q. And just curious, what were you doing there?

22 A. Writing reports.

23 Q. Writing reports about this incident?

24 A. Right.

25 MR. JONES: You know what, do you have a copy

1 of his report? I brought this briefcase for the  
2 sole reason that it had a copy of the report in  
3 it, you know, that folder I had last time, and I  
4 didn't -- I wanted to make his report an exhibit  
5 if we can.

6 He did the basic incident report, I think.  
7 Everybody else's was supplemental, I think about  
8 two or three pages. I think that's it, the top on  
9 there, isn't it?

10 MR. WILLIAMS: No, it's -- well. This one has  
11 got a lot of writing and stuff on it.

12 MR. JONES: Oh, it's gotten marks on it.

13 MR. WILLIAMS: Yeah.

14 MR. JONES: I understand. We can always  
15 stipulate, if you don't mind, we'll just -- I can  
16 email it to the court reporter?

17 MR. WILLIAMS: You can just put that you want  
18 his incident report attached as exhibit whatever  
19 --

20 MR. JONES: Yeah. His incident report, we  
21 will stipulate that it's Exhibit 1.

22 MR. WILLIAMS: And I will certainly stipulate  
23 to the authenticity if it's got his name on it,  
24 obviously.

25 MR. JONES: Right.

1 BY MR. JONES:

2 Q. So have you looked at your report recently?

3 A. I've looked over it a few days ago. Yes, sir.

4 Q. And when you looked at it and then when you  
5 saw the video today, did it seem like your report was  
6 consistent with what you saw on the video or was  
7 there anything different than the way you remember  
8 it?

9 A. I believe for the most part, it was  
10 consistent. I didn't look at the report and the  
11 video at the same time.

12 Q. I understand.

13 A. And that was -- you know, like I said, it was  
14 a dynamic situation. It was very -- it was a lot  
15 going on.

16 Q. Yeah. And there wasn't anything that stuck  
17 out to you like, "Oh, I didn't realize that when I  
18 did the report", you know, because of cameras in a  
19 different angle than you were? You know, it wasn't  
20 anything -- you didn't have any moments where you  
21 said, "Oh, I got that wrong" or anything like that?

22 A. Not that I recall.

23 Q. Okay. This -- you said before that the whole  
24 shift was basically out there; right?

25 A. Yes, sir.

1 Q. And that was you, Harmon, Sturdevant and --

2 A. Dawson.

3 Q. Dawson. And were y'all -- at the time that  
4 you found out about the pursuit, were y'all basically  
5 just all on patrol or was somebody coming from  
6 another scene or do you know?

7 A. I believe, we were just all on patrol.

8 Q. And, I guess, y'all were fairly close by;  
9 right, within maybe 5 minutes?

10 A. Sergeant Harmon and I were the closest. I  
11 don't think Dawson and Sturdevant were very close  
12 when the call first came out.

13 Q. I'm just curious, I mean it's all -- that  
14 every deputy that's working the entire county gets  
15 there pretty quick. I mean, was most of the patrol  
16 activity kind of concentrated in that area because  
17 it's more populous?

18 A. Well, it's more centralized.

19 Q. More centralized.

20 A. It's easy to get to -- if there is a call on  
21 the east side of the county, the westsouth or  
22 northsouth, it's -- you know, if you are central, you  
23 can have a good shot to getting somewhere.

24 But I think, Sergeant Harmon and I were both  
25 over on the east side. I want to say Deputy Dawson

1 may have been north, and Sturdevant toward the west.

2 We had zones we worked.

3 Q. Okay. So you're running a radar or anything  
4 or you're just basically riding around, waiting for  
5 calls?

6 A. That time of the night, on a weeknight, it was  
7 very, very little traffic. We were just patrolling  
8 around. If the call came out, we would answer it.

9 Q. Okay. Do you know if you got any other calls  
10 that evening?

11 A. I don't remember.

12 Q. Okay. How long had you -- first of all, what  
13 were the hours of that shift?

14 A. 6:00 p.m. to 6:00 a.m.

15 Q. 6:00 to 6:00. So like some weeks you'd work  
16 three days and some you'd work four; is that --

17 A. It was a three, two, two, three schedule.

18 Q. Okay. So it averaged out like, you know, 40,  
19 but some weeks you'd work --

20 A. Right.

21 Q. -- more, some weeks you'd work less?

22 A. Right.

23 Q. So how long had you worked on that shift? Had  
24 you been on that shift the whole time you'd been with  
25 the department?

1 A. On the night shift?

2 Q. Yeah. Is that what they call it?

3 A. Well, we've been days and nights and rotate  
4 every, I want to say, 10 weeks from days to nights.

5 Q. Okay. So you didn't -- you didn't stay on  
6 that -- on one shift continuously, you would rotate  
7 different shifts?

8 A. Right. The whole -- the whole shift, as far  
9 as the people, would change from days to nights.

10 Q. Okay. But your shift was the same guys;  
11 right?

12 A. The same guys, just we were rotating.

13 Q. Different times. So you were working with --  
14 you guys basically were a team, y'all knew each  
15 other, you worked together?

16 A. Right.

17 Q. Unless somebody had time off or something,  
18 y'all would always be working the same shift; right?

19 A. Yes, sir.

20 Q. And was that true the entire year and a half  
21 that you were here, that you were working with those  
22 same four guys?

23 A. People would come and go. Deputy Sturdevant,  
24 I think, at that time was new to our shift. And that  
25 was just the decision of the supervisors as far as if



1 they needed to rearrange who was on what shift.

2 Q. Did any of those officers testify against you  
3 in the criminal case? Or did they testify in the  
4 criminal case, I should say?

5 A. Sergeant Harmon spoke.

6 Q. Okay. When you say spoke, you mean he was  
7 called as a witness and was asked questions?

8 A. Yes.

9 Q. And did he -- you were there obviously; right?

10 A. Yes, sir.

11 Q. And did he say that he was aware of any of the  
12 activities that you were being, you know, accused of?

13 A. In the trial?

14 Q. Yeah.

15 A. I mean, he knew why he was there.

16 Q. I guess what I am saying is I'm asking you  
17 about what he testified to, the gist of what he  
18 testified to.

19 A. I'm not sure I understand exactly what you are  
20 looking for.

21 Q. Let me just try to put it as simple as I can.  
22 He testified as a witness for the -- for you or for  
23 the prosecution?

24 A. Prosecution.

25 Q. Okay. And what kind of stuff did the

1 prosecution ask him?

2 A. You'd have to look at the court transcripts.

3 Q. Well, there won't be a court transcript unless  
4 somebody buys one. You said you are not appealing,  
5 are you? Or maybe you don't know and that decision  
6 hadn't been made?

7 A. Yeah. And my lawyer is not here for that  
8 case, so.

9 Q. I understand. I got you.

10 A. I don't want to answer any questions on that.

11 Q. Okay. Let me ask you this. What did -- what  
12 do you remember Harmon saying on the witness stand or  
13 what did it seem like they were trying to get him to  
14 say on the witness stand?

15 A. Again, I don't want --

16 MR. WILLIAMS: Object to the form. I don't  
17 understand what relevance, and I think, he is  
18 going to plead the 5th as to any discussion of  
19 what transpired in the criminal trial or anything  
20 about the criminal charges.

21 DEPONENT PIERSON: Right. Without my attorney  
22 here, I'm not going to speak about that trial.

23 MR. JONES:

24 Q. Let me ask it this way. And you know, if you  
25 want to take the 5th to it, we can move on. But I'm

1 entitled to ask the question.

2 A. Sure.

3 Q. And here's the question. Were any of the  
4 other officers on the shift aware that you were, you  
5 know, you were spending time or getting attention  
6 from any of the women that you would stop on the  
7 road?

8 A. I take the 5th.

9 Q. You are going to take the 5th on that?

10 A. (Indicating in the affirmative)

11 Q. Because what I'm getting at is -- I'm not  
12 asking you if you did anything wrong, I'm basically  
13 asking you did they know, were they aware of any of  
14 these situations where the women accused you? Were  
15 they aware that you'd stopped certain people and were  
16 they aware that the allegations were being made at  
17 the time and all that?

18 A. Again, the 5th.

19 Q. You are going to take the 5th on that?

20 A. Yes, sir.

21 Q. Okay. Let me ask you this. As we sit here  
22 today, you have a felony conviction; right?

23 A. Yes.

24 Q. And you haven't been sentenced yet, so I mean,  
25 you might get First Offender. I guess, you don't

1 know whether -- you don't know exactly what the  
2 status is going to be permanently, do you?

3 A. No, I don't. No, sir.

4 Q. At this point, all we know was that the jury  
5 has convicted you of certain charges and they have --  
6 they found you not guilty of other charges; right?

7 A. Yes.

8 Q. What are the -- when you go to court to be  
9 sentenced today, what are the charges that you were  
10 convicted of, that you are supposed to find out your  
11 sentence all today?

12 MR. WILLIAMS: I mean, whatever that is we can  
13 get copies of the documents.

14 MR. JONES: I understand it.

15 MR. WILLIAMS: I don't know why he needs to  
16 answer those questions really.

17 MR. JONES:

18 Q. Well, you have been con -- I'm trying to avoid  
19 to have to get the certified copies and all that  
20 crap. Can you tell me what you've been convicted of  
21 and whether they are felonies or misdemeanors? And  
22 if you are not sure -- I mean, I know, there are  
23 multiple charges and maybe you don't remember --

24 MR. WILLIAMS: We will get a certified copy of  
25 it.

1 MR. JONES: You want to get a certified copy?

2 MR. WILLIAMS: Yes. It's easy for me to have  
3 it done, so we will know for sure.

4 MR. JONES: If you can do that, that would be  
5 greet. And likely, there is a good chance that,  
6 you know, some of them will be admissible for  
7 impeachment and some of them won't. That's -- we  
8 just have to wait and see.

9 But, yeah, if you can get that to me, I won't  
10 ask him any more questions about it.

11 MR. WILLIAMS: Sure. Yeah. No problem.

12 BY MR. JONES:

13 Q. So you are not going to tell me whether you  
14 are guilty of the crimes that they convicted you of,  
15 are you?

16 A. 5th.

17 Q. You take the 5th on that?

18 A. Yes.

19 Q. Do you think that you did anything that caused  
20 Nicholas Dyksma to die?

21 A. No, sir.

22 Q. You don't think that you killed him?

23 A. No, sir.

24 Q. Or helped kill him?

25 A. No, sir.

1 Q. Okay.

2 MR. JONES: That's all I got.

3 MR. WILLIAMS: Okay.

4 MR. JONES: Do you need to ask him anything  
5 while -- I know it would be unconventional, but.

6 MR. WILLIAMS: No.

7 MR. JONES: We don't know how accessible he  
8 will be. I'm rooting for you, but you know.

9 MR. WILLIAMS: No, I'm good.

10  
11 (DEPOSITION CONCLUDED AT 11:47 A.M.)  
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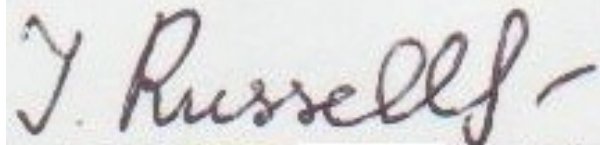
1 STATE OF GEORGIA

2 COUNTY OF MUSCOGEE

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5 C E R T I F I C A T E  
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7

8 The forgoing transcript of the proceedings  
9 was taken before me as a Certified Court Reporter  
10 in and for the State of Georgia and reduced to  
11 typewriting under my direction and supervision, and  
12 I certify that it is a true and correct transcript  
13 to the best of my ability of the proceedings.  
14

15  
16 This 29th day of October, 2017.

17   
18  
19

20 Inna Russell

21 Certified Court Reporter

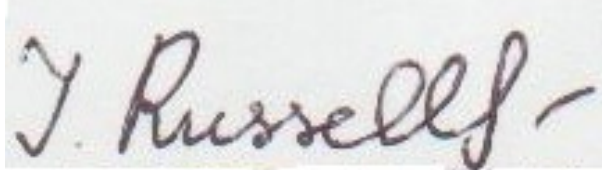
22 No. 5988-9757-0978-2016  
23  
24  
25

## 1 COURT REPORTER'S DISCLOSURE STATEMENT

2  
3 I, INNA RUSSELL, Georgia Certified Court  
4 Reporter, Certificate Number 5988-97-57-0978-2017,  
5 in compliance with Code Section 9-11-28 and Code  
6 Section 15-14-37, make the following disclosure  
7 about all arrangements, financial and otherwise,  
8 involving the foregoing deposition:  
9

10 1.) I was contacted directly by telephone  
11 regarding scheduling of the deposition as to date,  
12 time and place by the office of the scheduling  
13 attorney, or received a message from the office of  
14 the scheduling attorney by answering machine and  
15 returned the call, with scheduling of the deposition  
16 as to date, time and place confirmed, and no prior  
17 financial arrangements were negotiated between  
18 counsel and myself.  
19

20 This 19th day of October, 2017.

21   
22  
23

24 Inna Russell, CCR #5988-9757-0978-2017  
25



GREG DYKSMA, et al. vs. DEPUTY TOMMY PIERSON, et al.  
DEPUTY TOMMY PIERSON on 10/19/2017

DEPOSITION OF  
Page 64

DEPOSITION ERRATA SHEET

Assignment No. 37477

Case Caption: GREG DYKSMA, et al.

vs. DEPUTY TOMMY PIERSON, et al.

Witness: Deputy Tommy Pierson - October 19, 2017

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury  
that I have read the entire transcript of  
my Deposition taken in the captioned matter  
or the same has been read to me, and  
the same is true and accurate, save and  
except for changes and/or corrections, if  
any, as indicated by me on the DEPOSITION  
ERRATA SHEET hereof, with the understanding  
that I offer these changes as if still under  
oath.

Signed on the \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_.

Deputy Tommy Pierson

Sworn to and subscribed before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires\_\_\_\_\_



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GREG DYKSMA, et al. vs. DEPUTY TOMMY PIERSON, et al.  
DEPUTY TOMMY PIERSON on 10/19/2017

DEPOSITION OF  
Page 65

**DEPOSITION ERRATA SHEET**

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

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Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

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 DEPUTY TOMMY PIERSON on 10/19/2017

DEPOSITION OF  
 Page 66

**DEPOSITION ERRATA SHEET**

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

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GREG DYKSMA, et al. vs. DEPUTY TOMMY PIERSON, et al.  
DEPUTY TOMMY PIERSON on 10/19/2017

DEPOSITION OF  
Index: 1..applying

<b>Exhibits</b>	60:16,17	<b>accurate</b> 18:1	<b>ahead</b> 6:14	<b>ammonia</b> 42:6
	<b>6</b>	<b>accused</b> 56:12	16:5 22:4 41:4	<b>anesthetized</b>
<b>37477 Pierson.</b>		58:14	<b>air</b> 9:16	32:21
<b>Tommy Plaintiff</b>	<b>60</b> 20:21	<b>across</b> 18:2	<b>alive</b> 50:4	<b>angle</b> 52:19
<b>s Exhibit 1</b> 4:4	<b>6:00</b> 54:14,15	<b>active</b> 7:8,9	<b>all</b> 6:5,8 8:9	<b>another</b> 19:10
51:21		<b>activities</b> 56:12	9:3,7 14:15	26:10 47:16
<b>1</b>	<b>8</b>	<b>activity</b> 53:16	16:18 18:17	53:6
		<b>actually</b> 8:15	20:16,24 22:13	<b>answer</b> 6:10
<b>1</b> 51:21	<b>80</b> 20:19 21:10	10:20 15:4	37:8 38:7,14	54:8 57:10
<b>10</b> 55:4		19:7,24 21:6	46:7 53:5,7,13	59:16
<b>11:47</b> 61:11	<b>9</b>	27:17 40:8	54:12 58:17	<b>anybody</b> 8:7,18
<b>16</b> 10:12	<b>911</b> 12:6 42:19	46:15 47:2,25	59:4,11,19	37:20,24 39:12
<b>19</b> 6:2	46:10	49:5	61:2	42:12 45:16
	<b>A</b>	<b>admissible</b> 60:6	<b>allegations</b>	50:4
<b>2</b>		<b>advance</b> 19:12	58:16	<b>anymore</b> 10:25
	<b>a.m.</b> 54:14	<b>advised</b> 18:8,9	<b>allowed</b> 6:6	<b>anything</b> 8:7,22
<b>2015</b> 10:9	61:11	<b>affected</b> 33:7	<b>almost</b> 32:10	16:1,5 19:25
<b>2017</b> 6:2	<b>ability</b> 26:7	<b>affirmative</b>	<b>alongside</b>	24:20,25
<b>208</b> 20:2,10	<b>able</b> 27:19 28:1	35:21 58:10	22:17	29:14,15 30:4
22:16,20,22	31:11 40:21	<b>after</b> 10:10	<b>already</b> 8:19	31:17 34:23
<b>27</b> 13:11 16:20	<b>about</b> 7:18 8:21	23:24 25:2,12	13:18 14:2	38:8 41:21,22
18:4 20:2	9:21,22,23,24	27:2 28:11	17:5 18:10	43:15,17 49:24
<b>2:00</b> 19:7	10:15 11:25	33:19 35:18,19	26:1 27:18	50:5,6 52:7,16,
	12:1,5 13:1	41:6,19	28:12 40:24	20,21 54:3
<b>3</b>	16:23 19:18	<b>again</b> 15:22	42:15	57:19 58:12
	20:25 28:20	22:24 25:3	<b>also</b> 18:13	60:19 61:4
<b>315</b> 12:25 13:9	32:4,5 36:14,	31:16 32:7	37:18 43:10,11	<b>anyway</b> 28:5
	21 40:23 42:6	36:2,17 46:22	<b>always</b> 26:9,10	29:2
<b>4</b>	45:3,14,17	57:15 58:18	35:4 51:14	<b>anywhere</b>
	46:21 48:4	<b>against</b> 33:21	55:18	39:13
<b>40</b> 54:18	50:5,23 51:7	37:15,16 56:2	<b>am</b> 56:16	<b>appeal</b> 7:12
	53:4 56:17	<b>ago</b> 52:3	<b>ambulance</b>	<b>appealing</b> 57:4
<b>5</b>	57:20,22 60:10	<b>agree</b> 38:3	42:13,14,15,23	<b>appear</b> 30:24
	<b>accelerate</b>	<b>agreeable</b> 6:11,	43:4,24 44:15	32:13,19
<b>5</b> 53:9	18:24	12	45:5,6,14,18	<b>appeared</b> 44:18
<b>55</b> 20:20,22	<b>accelerated</b>	<b>agreement</b> 6:7	46:4,11,17	<b>application</b>
<b>5th</b> 57:18,25	22:24		47:6,12,19,23	8:17
58:8,9,18,19	<b>accessible</b> 61:7		48:1 49:9,21,	<b>applying</b> 35:5
			25 50:2	

GREG DYKSMA, et al. vs. DEPUTY TOMMY PIERSON, et al.  
DEPUTY TOMMY PIERSON on 10/19/2017

DEPOSITION OF  
Index: approached..caused

<b>approached</b> 22:16	<b>attorney</b> 57:21	33:24 37:12	<b>best</b> 12:6 17:25 20:18 50:1	<b>busted</b> 25:7
<b>approaching</b> 16:24	<b>August</b> 10:8	40:13 43:13		<b>buys</b> 57:4
	<b>authenticity</b> 51:23	52:24 53:4	<b>between</b> 22:22	
<b>approximately</b> 7:21,22 10:5 12:22	<b>authority</b> 21:17	54:4 55:14	<b>bit</b> 14:15,16 21:11 24:11	<b>C</b>
	<b>automatic</b> 43:2	58:12	25:6 38:21	<b>call</b> 8:18 12:6, 22 13:4 16:12 35:13 42:22
<b>approximation</b> 20:12	<b>automatically</b> 43:23 44:17	<b>basis</b> 9:18	41:17	<b>called</b> 10:21 14:2 42:12 44:15 56:7
<b>area</b> 12:25 15:9 53:16	<b>available</b> 39:24	<b>became</b> 13:21	<b>blacktop</b> 48:11, 13	<b>calls</b> 46:1 54:5, 9
<b>arm</b> 40:9	<b>averaged</b> 54:18	<b>because</b> 17:5 18:13 23:8 27:10 36:6 38:5 40:24	<b>blended</b> 9:4	<b>came</b> 12:6 14:14 16:12 18:2 20:3 27:25 53:12 54:8
<b>around</b> 7:18 13:20 14:18 15:3 17:14 19:6 21:12 29:17,18 37:3 54:4,8	<b>avoid</b> 59:18	42:16 43:10 44:15 46:3 47:3 49:11 52:18 53:16 58:11	<b>blown</b> 22:13	<b>camera</b> 38:4
<b>arrest</b> 43:21	<b>aware</b> 41:13 46:17 56:11 58:4,13,15,16	<b>before</b> 7:23 12:4 15:3,9 19:15 42:12 47:23 49:21 52:23	<b>blue</b> 14:24 17:4,7,15,20 18:16,17,21	<b>cameras</b> 38:8 52:18
<b>arrived</b> 28:14	<b>away</b> 14:6 24:24 37:11 41:9,12		<b>body</b> 38:5 39:9 40:17,19 41:19 43:15	<b>can't</b> 14:23 23:13 32:22 41:22 45:1
<b>ask</b> 34:22 42:21 57:1,11, 24 58:1,21 60:10 61:4	<b>B</b>	<b>behind</b> 13:24 15:22 16:2 17:23 22:7,8, 18	<b>both</b> 36:9 53:24	<b>car</b> 11:15,22 13:24 22:6 23:8 24:22,23 28:9 30:23 31:11 41:5 46:21,22
<b>asked</b> 37:2 44:17 56:7	<b>back</b> 7:14 14:20 33:15,21 35:1,4,20 37:16,17 38:15 39:13 41:4 42:7 48:21	<b>being</b> 9:3 10:3 11:22,23 12:1 21:1 22:6 38:2 40:21 45:14 56:12 58:16	<b>breaking</b> 30:17, 18	<b>Carl</b> 6:23
<b>asking</b> 8:21 12:9 14:19 56:16 58:12,13	<b>backed</b> 24:10	<b>believe</b> 12:24 14:14 15:18 18:20 19:6 20:19 24:2,17 25:16 27:5 28:17 34:20 35:8 37:19 40:7,12 41:1 42:17 44:4 49:6 50:20 52:9 53:7	<b>breath</b> 39:4,5	<b>case</b> 56:3,4 57:8
<b>assistance</b> 12:9	<b>backup</b> 18:14		<b>breathe</b> 41:22	<b>catch</b> 25:4
<b>assisted</b> 28:13	<b>balance</b> 37:7,8, 9		<b>breathing</b> 38:22,23,25 39:1 41:24,25 42:2,3 50:6	<b>cause</b> 12:11
<b>assume</b> 10:16	<b>base</b> 10:21		<b>briefcase</b> 51:1	<b>caused</b> 60:19
<b>attached</b> 51:18	<b>basic</b> 51:6		<b>briefly</b> 11:13	
<b>attempt</b> 18:7	<b>basically</b> 10:13 14:11,20 17:21 18:18 19:8 20:9,24 21:4 26:3 30:9		<b>bring</b> 42:7	
<b>attention</b> 44:18 58:5			<b>broke</b> 14:4,17	
			<b>broken</b> 27:18, 24	
			<b>brought</b> 51:1	
			<b>business</b> 9:5	



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GREG DYKSMA, et al. vs. DEPUTY TOMMY PIERSON, et al.  
DEPUTY TOMMY PIERSON on 10/19/2017

DEPOSITION OF  
Index: describe..February

22:10 25:7	12:2	drive 22:15	else's 51:7	exhibit 51:4,18, 21
27:15 28:10,	dispatcher	25:2,6 30:23	eluding 21:24,	expressing
12,13,17 35:9	16:13,16 46:2	43:12,13,20	25	46:3
40:7 41:8,9	47:2	44:7	email 51:16	extent 36:5
49:8 53:14,25	dispatchers	driver 27:25	emergency	extracted 11:22
55:23	46:10	driving 21:10	21:17,18	extremities
describe 29:21	distance 14:8	22:7 30:11,14	employment	40:18
38:15	distinct 36:12	drugs 30:23	10:14	eyes 31:2
description	ditch 23:24	drunk 30:23	end 39:8	
16:3	25:3	44:24	ended 25:8	<hr/> F <hr/>
didn't 8:18	documents	duly 6:17	27:22	
10:20 12:14,15	10:18 59:13	during 20:17	enforcement	face 32:5
16:7 17:19,20	doesn't 8:15	21:9	7:5,17	faced 33:18
18:6,22,23	21:18 43:14,17	Dyksma 9:25	enough 26:4	fact 25:3
22:11 27:4	doing 24:20,25	11:22 24:19	entire 53:14	fair 16:18 18:6
28:23 29:1,18,	35:18 37:22	27:18 28:9	55:20	fairly 53:8
25 31:3,4,16,	38:8,19,22	47:7,20 60:20	entitled 58:1	fake 23:22
18 32:19 40:3,	39:7 40:9 49:5,	Dyksma's 13:2	evade 19:2	fall 14:20
10,23 46:3	17 50:21	dynamic 36:25	even 33:19	falling 30:22
47:8,9 51:4	done 7:13,14	52:14	49:10	familiar 14:15
52:10,17,20	26:11 35:17	<hr/> E <hr/>	evening 54:10	family 8:24 9:1, 2,4
55:5	40:15 41:15	each 55:14	event 47:12	far 7:5 8:6 9:3
die 60:20	42:12 49:12	earlier 11:9,10	ever 27:25 30:4	12:11 13:1,5
died 9:25 50:17	60:3	easier 48:18	every 53:14	14:6 19:15,23
different 33:3	done-done 7:12	east 53:21,25	55:4	20:9 25:5,19
35:24 36:12,13	door 24:4,9,11	easy 53:20	Everybody 51:7	28:9 32:3
38:2 52:7,19	27:16,21,22,25	60:2	everything 27:1	35:11 38:1,11
55:7,13	28:11	effort 34:21	33:21 47:15	40:1 43:9
difficult 30:1	double-locked	either 38:11	exact 14:8	45:12 55:8,25
direction 16:25	35:8	42:5 48:21	exactly 13:8	fast 15:12
disabled 23:8	down 15:15,19	electricity	19:17 25:9	20:25 23:13
discipline 8:6	18:10 22:15,	43:16	30:6 42:11	47:16
discovery 6:5	17,22 26:4	else 29:14	56:19 59:1	favors 8:21
discussion	29:8,11,19	39:13 40:5	example 8:23	February 10:12
57:18	30:22 33:18	49:24	except 6:9 9:20	
dispatch 12:7	34:5 35:14			
22:9	37:14 39:9,10,			
dispatched	15,23 40:25			
	41:3			

GREG DYKSMA, et al. vs. DEPUTY TOMMY PIERSON, et al.  
DEPUTY TOMMY PIERSON on 10/19/2017

DEPOSITION OF  
Index: feet..held

<b>feet</b> 25:4	<b>four</b> 20:13 30:9	38:12 41:4	<b>grunting</b> 38:23	19:24 21:2,8
<b>felonies</b> 59:21	33:25 34:2	49:18 52:15	<b>guess</b> 7:18	44:20
<b>felony</b> 58:22	54:16 55:22	57:18,22 58:9,	8:10 9:16	<b>happens</b> 23:21
<b>few</b> 35:25 52:3	<b>frame</b> 19:23	19 59:2 60:13	11:16 12:1,18,	<b>hard</b> 48:17
<b>fighting</b> 9:7	<b>frequency</b>	<b>gone</b> 13:7	21 14:19 16:9	<b>Harmon</b> 22:7,
<b>file</b> 26:20	16:10	<b>good</b> 10:2,3	17:4 30:15,21	18 24:3,10,13
<b>find</b> 28:23 29:1	<b>friends</b> 9:1	21:11 22:11,14	31:9 32:10,15,	25:8 27:9,10,
50:17 59:10	<b>front</b> 22:10,23,	25:5,18 49:18	23 44:14 46:14	17 45:19 46:18
<b>fine</b> 31:4	24	53:23 60:5	48:20 53:8	47:25 49:6
<b>fire</b> 8:16	<b>frustration</b>	61:9	56:16 58:25	53:1,10,24
<b>first</b> 15:9,10,11	32:10,15	<b>got</b> 8:13 10:17	<b>guilty</b> 59:6	56:5 57:12
16:24 24:3,10	<b>fuck</b> 24:15	12:22 13:4,10,	60:14	<b>Harris</b> 6:24
28:10 35:25	<b>full</b> 6:21 26:7	18 15:22 16:2,	<b>guy</b> 24:18 28:2	7:20 8:1,3 12:8
36:6,15 53:12		12 17:23 18:3,	49:19	14:15 15:8
54:12 58:25	<b>G</b>	4 19:15 20:17	<b>guys</b> 14:13	42:22 45:8
<b>fish</b> 44:21	<b>gain</b> 32:8	21:10,19,21,22	28:5 50:2	<b>haven't</b> 30:6
<b>five</b> 7:18,19	<b>gaining</b> 28:15	22:13,21,24	55:10,12,14,22	58:24
20:13 26:5,6,	<b>GBI</b> 26:19	23:4 24:2,10	<b>H</b>	<b>having</b> 6:17 9:3
23,24 30:10	<b>gets</b> 20:22	25:18 26:7,19	<b>hadn't</b> 57:6	<b>he's</b> 21:19
<b>flat</b> 23:1,3	53:14	27:13 28:16	<b>half</b> 7:21,22	<b>head</b> 21:6
48:17,19	<b>getting</b> 9:11,15	29:22 31:12	55:20	23:22
<b>focused</b> 22:6	28:15 31:9	35:19 40:5	<b>Hall</b> 20:7	<b>headed</b> 13:9
48:8	32:5 44:14	47:5,12,24	<b>hand</b> 27:6	16:20
<b>folder</b> 51:3	53:23 58:5,11	49:7,9,21,25	<b>handcuff</b> 31:7	<b>headlights</b>
<b>follow</b> 14:20,21	<b>gist</b> 56:17	50:3 51:11,23	<b>handcuffed</b>	19:12
17:21	<b>give</b> 20:11 21:7	52:21 54:9	28:16 33:23	<b>hear</b> 31:17,18,
<b>following</b> 24:14	23:22 26:10	57:9 61:2	34:6	20 34:19 39:2
<b>follows</b> 6:18	<b>giving</b> 34:23	<b>gotten</b> 17:17	<b>handcuffing</b>	45:13
<b>form</b> 6:9 36:4	<b>glazed</b> 31:2	25:2 51:12	33:11 35:6	<b>heard</b> 34:17,18
57:16	<b>goes</b> 7:6	<b>grabbed</b> 33:8	<b>handcuffs</b> 32:9	41:21 47:3
<b>forward</b> 21:5	<b>going</b> 6:9 7:14	<b>greet</b> 60:5	33:19,20 35:8	<b>hearing</b> 45:15,
<b>found</b> 10:17	10:22 14:13	<b>grew</b> 8:10	40:8	16
28:17 29:19	15:12 17:10	<b>grimacing</b>	<b>hands</b> 29:6	<b>heartbeat</b> 50:5
50:18,19 53:4	18:12 20:24	32:18	39:22,23,24	<b>heavily</b> 41:24
59:6	22:12,20,23	<b>ground</b> 28:15	40:2,23	<b>heavy</b> 38:22,
	28:1,2 33:9	31:7 33:13,14,	<b>happened</b>	23,25 39:2
		22 48:13	10:13 16:22	<b>held</b> 35:9
		<b>growl</b> 34:15		
		38:23		



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GREG DYKSMA, et al. vs. DEPUTY TOMMY PIERSON, et al.  
DEPUTY TOMMY PIERSON on 10/19/2017

DEPOSITION OF  
Index: help..know

<b>help</b> 49:19 50:1	47:14 49:16	10:2 11:5 12:2	<b>itself</b> 39:1	
<b>helped</b> 60:24	50:8 54:12,23 61:7	39:20 44:12 50:23 51:6,18, 20		<b>K</b>
<b>here</b> 8:11,19,20 9:21,22,23 10:25 20:6 55:21 57:7,22 58:21	<b>hundred</b> 49:15	<b>incoherently</b> 31:21	<b>J</b>	<b>keep</b> 33:2 35:16 40:13, 16,18,20 49:18
<b>here's</b> 58:3	<b>I</b>	<b>indicating</b> 35:21 58:10	<b>job</b> 8:13 35:17	<b>keeping</b> 39:24
<b>highest</b> 20:22	<b>I'd</b> 32:24 37:15	<b>influence</b> 29:25 30:25	<b>joined</b> 13:25	<b>kept</b> 33:9 49:17
<b>Highway</b> 13:9, 11	<b>I'm</b> 7:13 14:19 20:15 21:10 25:20 27:8 30:15,21 31:9 32:25 37:5 44:14 45:9 48:14 53:13 56:16,19 57:22,25 58:11,12 59:18 61:8,9	<b>information</b> 16:5	<b>joining</b> 13:5	<b>kick</b> 23:10 33:20
<b>hire</b> 8:15		<b>injured</b> 43:25 44:2	<b>Jolley</b> 8:11	<b>kicking</b> 33:24
<b>hit</b> 22:11,13, 14,25 23:24 25:18 46:19		<b>inmate</b> 7:2	<b>jolt</b> 26:10	<b>kids</b> 9:3,4
<b>hold</b> 27:3 29:18 37:14 39:23 41:3		<b>inside</b> 25:11,16 27:19	<b>JONES</b> 6:3,14, 20 26:17,21, 23,25 36:8,11 50:25 51:12, 14,20,25 52:1 57:23 59:14,17 60:1,4,12 61:2, 4,7	<b>kill</b> 60:24
<b>holding</b> 34:4,5, 6 37:12 39:9, 10,15 40:25 41:16	<b>I've</b> 8:20 9:17 33:7 44:7 52:3	<b>instead</b> 48:13	<b>jury</b> 59:4	<b>killed</b> 60:22
<b>Holland</b> 13:10 18:3 19:19 20:10	<b>ID</b> 34:22	<b>intersection</b> 18:3 20:2	<b>just</b> 8:17 9:1,24 10:13 11:19,20 12:15 14:20 17:21 20:1,3, 11 21:4,7 23:7 24:24 26:3 27:6 30:17,24 31:2,21 32:4,9 33:1,2,8 34:9, 14 35:1,13,14, 16 36:24 37:5, 10 38:4 39:1,4, 5,15,19 40:13, 19,20 41:4,13, 16 43:3,13,16 44:9 45:8,12 47:17 48:14 49:11,17 50:21 51:15,17 53:5, 7,13 54:4,7 55:12,25 56:21 60:8	<b>kind</b> 14:20 21:4,7 22:21 24:6,15 31:2, 24 32:6 33:1, 11,23 34:15 35:13 36:16 37:24 39:3,19 44:21 46:14 47:17,22 53:16 56:25
<b>home</b> 8:1,2	<b>idea</b> 12:18 15:25 28:1 50:7	<b>involuntarily</b> 23:9		<b>knee</b> 34:24 35:1,12,24 36:15,17 37:13,15 38:3, 15 39:10,12, 16,23
<b>hook</b> 44:21	<b>identified</b> 17:24	<b>involved</b> 40:1		<b>knees</b> 37:6
<b>hours</b> 50:18 54:13	<b>immediately</b> 24:4	<b>involving</b> 9:24		<b>knew</b> 12:15 16:18 47:18 55:14 56:15
<b>how</b> 7:16,19 8:13 9:5 10:10, 22 13:1 14:6 15:11 17:19 19:15 20:9 23:3,4 25:5 28:24 29:21 30:24 38:14 39:10 45:3	<b>immobilized</b> 25:23	<b>isn't</b> 51:9		<b>knife</b> 28:19,22, 24,25 29:2,4
	<b>impaired</b> 29:23 31:10	<b>it's</b> 8:2 9:5,10 11:18 18:6 19:8 20:6,20, 22 23:15,17 26:8 35:24 43:14 44:21 48:18 51:10, 12,21,23 53:13,17,18, 20,22 60:2		<b>know</b> 8:5,6,11, 22 9:21,22,25 10:7,16 11:17,
	<b>impeachment</b> 60:7			
	<b>impression</b> 21:8			
	<b>incapacitation</b> 26:6			
	<b>incident</b> 9:24			

GREG DYKSMA, et al. vs. DEPUTY TOMMY PIERSON, et al.  
DEPUTY TOMMY PIERSON on 10/19/2017

DEPOSITION OF  
Index: knowing..most

23 12:3,10,12, 14,15 13:3 14:8 15:16 16:15 17:12,17 19:17 20:1,13 21:2,3,7,19 22:2,12,14 23:3,4 24:22 25:5,9,14,17, 19 26:8,12,13, 14,16 27:3,10, 12,14,21,24 28:4 29:1,19, 25 30:22,23,24 31:4,10,16,21 32:6,9,16,24 33:23 34:11 36:2,3,17,23 37:2,4,6,9,21 38:1 39:11 40:3 41:15 42:4,10 43:9, 10,23 45:8,11, 19,24 46:3,13, 18,23 47:10, 14,15 48:2,5 49:3,16,18 50:2,3,11,13, 14,25 51:3 52:13,18,19 53:6,22 54:9, 18 56:12 57:5, 24 58:5,13 59:1,4,15,22 60:3,6 61:5,7,8	<b>last</b> 10:14 11:7 51:3 <b>Late</b> 10:8 <b>later</b> 9:23 46:6, 10 47:1 50:18 <b>law</b> 6:6 7:5,16 30:17,18 <b>lawyer</b> 57:7 <b>lead</b> 13:21 22:6 <b>least</b> 23:4 34:3 <b>leave</b> 7:25 8:8 43:17 <b>left</b> 8:5 50:15 <b>leg</b> 37:10,13 <b>legs</b> 33:21,24 <b>less</b> 54:21 <b>let</b> 10:4 42:21 56:21 57:11,24 58:21 <b>let's</b> 16:23 48:16 <b>lift</b> 41:19 <b>light</b> 17:5,16,20 18:21 <b>lights</b> 14:25 17:7 18:5,17 19:20 <b>like</b> 8:7,18 15:15 19:24 20:6 21:9 22:22 24:17,21 29:22 30:4,5, 22,25 31:21 32:5,10,11,17 34:9,10,15 35:23,25 39:2, 4 40:20 41:21,	22 43:17 44:21 45:9,11 47:1, 15 49:14 52:5, 13,17,21 54:15,18 57:13 <b>likely</b> 60:5 <b>limit</b> 18:18 21:19 <b>line</b> 12:19 14:5, 12 21:13,23 <b>little</b> 14:14,16 19:9 24:10 36:6 38:21,24 41:17 54:7 <b>live</b> 8:3 <b>load</b> 50:9 <b>locked</b> 27:21 <b>logs</b> 26:17 <b>long</b> 7:16 10:10 38:14 47:14 50:8 54:12,23 <b>longer</b> 36:2,6 42:2 <b>look</b> 11:4,14,19 15:15 29:22 50:12 52:10 57:2 <b>looked</b> 10:18 11:6,15 22:19, 20 30:25 32:17 52:2,3,4 <b>looking</b> 9:13 27:12 56:20 <b>looks</b> 35:23 <b>lot</b> 45:8 50:9, 12 51:11 52:14 <b>lower</b> 20:23 39:12 40:18	<b>lurching</b> 33:11, 12 <hr/> <b>M</b> <hr/> <b>made</b> 8:8 34:21 38:24 57:6 58:16 <b>madman</b> 34:10 <b>maintain</b> 37:8 <b>make</b> 17:24 18:6 33:4 37:10 43:21 51:4 <b>making</b> 31:20 34:14 38:20,21 39:1 <b>many</b> 23:3,5 49:16 <b>marker</b> 19:24 20:1 <b>marks</b> 51:12 <b>married</b> 9:3,4 <b>matters</b> 11:16 <b>may</b> 17:25 34:11 36:8 37:3 49:6 54:1 59:23 <b>maybe</b> 10:18 20:13 30:1 31:21 32:20 53:9 57:5 59:23 <b>mean</b> 8:21 9:23 17:19 20:10 21:12 25:21 26:9 29:22 30:8,9 32:23 36:24 37:5 39:1,22 48:23	53:13,15 56:6, 15 58:24 59:12,22 <b>medical</b> 44:18 <b>member</b> 8:24 9:1 <b>memory</b> 10:2 12:6 17:25 <b>might</b> 40:3 47:2 58:25 <b>mile</b> 14:10 19:24 20:1 <b>miles</b> 13:3 19:17 20:13 30:10 <b>mind</b> 51:15 <b>minutes</b> 46:14 53:9 <b>mischaracterize</b> <b>s</b> 36:5 <b>misdemeanors</b> 59:21 <b>mode</b> 43:3,5,6, 7,11 <b>mom</b> 45:1 <b>moments</b> 52:20 <b>month</b> 10:7 <b>months</b> 10:14, 15 <b>more</b> 11:19 14:9 32:10 35:19 38:4 53:17,18,19 54:21 60:10 <b>morning</b> 19:5 <b>most</b> 37:9 52:9 53:15
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GREG DYKSMA, et al. vs. DEPUTY TOMMY PIERSON, et al.  
DEPUTY TOMMY PIERSON on 10/19/2017

DEPOSITION OF  
Index: motor..out

<b>motor</b> 31:4	<b>near</b> 23:13	<b>nothing</b> 31:23	34:2 37:21	<b>one</b> 11:18,19,
<b>move</b> 23:12,14	<b>neck</b> 34:25	45:11	39:7,10 46:2,7	20 15:9,10
25:4 29:17	37:18	<b>notice</b> 6:8	48:10 49:2	18:2 19:4 24:3
35:14 48:11	<b>need</b> 12:20,21	38:20	56:2 58:4	25:1 26:21,22,
57:25	40:2,3 44:18	<b>noticed</b> 42:1,5	<b>Oh</b> 7:25 27:23	24 27:14 33:25
<b>moved</b> 25:5	45:5 61:4	47:19	43:7 48:22	36:1,19,23
37:3	<b>needed</b> 44:16	<b>now</b> 9:6,23	51:12 52:17,21	37:10 38:3
<b>movement</b> 38:1	46:4,12,16	20:4 21:13,22	<b>okay</b> 6:14,24	40:7 42:4,5,11
<b>moving</b> 40:14,	56:1	23:15 32:3,24	7:2,16,19 8:4,	44:1,9 45:20,
18 41:14	<b>needs</b> 59:15	42:21	10,17,23 9:5,9,	21,23,25
<b>Mr</b> 6:3,12,14,	<b>never</b> 10:22	<b>number</b> 16:1,2	19,21 10:4,10,	46:10,15
20,21 10:21	15:4,5 34:21	<b>nurse</b> 44:25	13,24 11:2,7,	47:10,15 48:10
11:22 26:17,	41:21 44:4,6,7		12,14,21	51:10 55:6
19,21,22,23,	<b>new</b> 55:24	<b>O</b>	12:10,18 13:21	57:4
24,25 36:4,8,9,	<b>next</b> 18:2 23:21		14:17,19	<b>only</b> 21:21 26:5
11 47:7,20	<b>Nicholas</b> 9:24	<b>o'clock</b> 19:4	15:11,24 16:18	<b>Onto</b> 35:20
50:25 51:10,	60:20	<b>O.J.</b> 18:25 19:3	17:2,14 18:6,9	<b>open</b> 19:8 24:9,
12,13,14,17,	<b>night</b> 54:6 55:1	<b>oath</b> 6:17	19:8,22 20:3,	11 27:16
20,22,25 52:1	<b>nights</b> 55:3,4,9	<b>Object</b> 36:4	14,20,24 21:25	<b>opened</b> 27:22
57:16,23	<b>nobody</b> 9:17	57:16	22:4,6 23:10,	28:10,11
59:12,14,15,	16:4 50:16	<b>objections</b> 6:8	19 24:12 25:15	<b>opening</b> 27:22
17,24 60:1,2,4,	<b>noise</b> 34:14,17	<b>objective</b> 35:15	26:17 27:6,10	<b>operate</b> 21:17
11,12 61:2,3,4,	38:20 39:1,3	<b>obviously</b> 44:1	28:5,8 29:2	<b>opposed</b> 17:21
6,7,9	<b>noises</b> 31:20,	51:24 56:9	30:1 32:1,12,	39:23 41:3
<b>much</b> 7:19	23,24 38:24	<b>occurred</b> 10:5	20 34:3,8,17,	<b>opposite</b> 16:24
14:16 49:19	<b>non-responsive</b>	<b>October</b> 6:2	24 35:18,23	<b>other</b> 6:6 12:2
<b>multiple</b> 59:23	42:4	<b>off</b> 14:2,4,17	36:23 37:20	13:24 15:7,8
<b>Muscogee</b>	<b>none</b> 9:5	22:21 23:15	38:14 39:15	22:8 28:3,6
7:24,25 8:5	<b>noninvasive</b>	24:2 25:2,6	41:2,10 42:1,	36:19,24 37:3,
14:2 16:4 22:1	43:14	29:20 37:9,24	18 43:2 44:14	10,13,21 38:4
<b>myself</b> 41:8	<b>nonsense</b>	41:18 49:15	45:5,13 46:1	39:7,10,24
<b>N</b>	31:22	55:17	47:12,18 48:9	46:2 48:10
<b>name</b> 6:21	<b>north</b> 13:19	<b>Offender</b> 58:25	49:2,14 50:2,8,	54:9 55:15
34:22 51:23	20:2 54:1	<b>Office</b> 7:24	17 52:23 54:3,	58:4 59:6
<b>natural</b> 39:20	<b>northsouth</b>	50:20	9,12,18 55:5,	<b>our</b> 50:1 55:24
<b>naturally</b> 29:8	53:22	<b>officers</b> 18:14	10 56:6,25	<b>out</b> 10:17 12:8
45:23		22:9 33:25	57:11 58:21	13:14 18:25
			61:1,3	24:3,4,10,11,
				15 25:2,7,13,
				21,22 26:1

GREG DYKSMA, et al. vs. DEPUTY TOMMY PIERSON, et al.  
DEPUTY TOMMY PIERSON on 10/19/2017

DEPOSITION OF  
Index: over..realized

28:12 29:13,22 30:4 31:6 33:9 39:4,5 44:21 50:1,17,18,19 52:17,24 53:4, 12 54:8,18 59:10	<b>paved</b> 21:1 <b>paving</b> 20:3 <b>people</b> 8:20 9:17 14:2 33:3, 4,7 55:9,23 58:15	21:5,8 23:1,15, 18 25:2,9,25 27:18 33:15, 22,25 35:3 36:1 37:22 38:19 40:2,24 41:3,13 42:1,4 45:24 48:4,10 49:21 50:4 59:4	<b>problems</b> 8:5 <b>procedure</b> 42:22 <b>process</b> 29:13 <b>prongs</b> 33:8 43:1	40:8 41:4 42:23 43:15 51:17 56:21 <b>putting</b> 37:13 40:17
<b>over</b> 11:9 12:24 13:10 20:19 21:10 22:23 23:24,25 26:7 31:3 32:25 33:10 35:19 40:22 46:18 47:3 49:8 52:3 53:25	<b>Perhaps</b> 32:22 <b>period</b> 36:2 <b>permanently</b> 59:2 <b>person</b> 41:11 43:24 <b>personality</b> 8:6 <b>personally</b> 40:10	<b>police</b> 12:7,12 <b>popped</b> 33:8 <b>populous</b> 53:17 <b>position</b> 13:15 35:10 36:1,3 38:5 <b>positioned</b> 39:8 <b>positions</b> 36:13,16,18 38:2 <b>precautions</b> 30:13 <b>preparation</b> 11:3 <b>presently</b> 7:2 <b>pressure</b> 40:17 41:17 <b>pressure-hold</b> 35:13 <b>pretty</b> 14:10 36:9 47:13 49:19 53:15 <b>Prior</b> 16:3 <b>probably</b> 14:9 20:20 26:3 32:24,25 <b>problem</b> 60:11	<b>prosecution</b> 56:23,24 57:1 <b>pull</b> 37:11 <b>pulled</b> 22:17,23 25:13,21,22 26:1 29:20 <b>pulling</b> 28:12 37:11 <b>pulse</b> 42:3 <b>purpose</b> 44:5 45:6 <b>purposes</b> 6:5,6 <b>pursuant</b> 6:7 <b>pursued</b> 19:15 <b>pursuing</b> 12:12 15:6 17:15 30:3 <b>pursuit</b> 12:16 13:22 14:3 15:4 16:19 18:25 19:3 20:17 21:9 53:4 <b>push</b> 33:21 37:15,16 <b>pushing</b> 41:18 <b>put</b> 8:17,19 10:4 18:10 28:24 31:6 34:24 35:11, 12,24 36:16	<b>question</b> 6:9 30:2 58:1,3 <b>questions</b> 56:7 57:10 59:16 60:10 <b>quick</b> 32:25 47:13 50:9 53:15 <b>quicker</b> 48:1
<b>P</b>				<b>Q</b>
<b>p.m.</b> 54:14 <b>pack</b> 42:6 <b>pages</b> 51:8 <b>pain</b> 32:17,19 43:14 <b>papers</b> 10:17, 20,23 <b>paramedics</b> 50:3,8 <b>part</b> 37:18 52:9 <b>particular</b> 45:4 <b>passed</b> 13:19 <b>passenger</b> 27:16 <b>pat</b> 29:19 <b>patrol</b> 41:5 53:5,7,15 <b>patrolling</b> 54:7 <b>patted</b> 29:8,11	<b>pick</b> 12:19 14:13 15:22 <b>picked</b> 14:6 15:4,24 19:18 <b>Pierson</b> 6:1,4, 16,21,23 57:21 <b>pin</b> 35:14 <b>pinned</b> 24:4 <b>pirate</b> 34:15 <b>placed</b> 11:23 <b>plain</b> 45:8,12 <b>Plaintiff</b> 6:4 <b>plead</b> 57:18 <b>please</b> 6:15 <b>plus</b> 21:25 <b>pocket</b> 28:19, 22,25 <b>point</b> 10:16 15:2,3,14,18, 24 18:10,11,12			
				<b>R</b>
				<b>radar</b> 54:3 <b>radio</b> 16:9 45:4,13,15,17 46:1,19,23 47:4 48:6,7 <b>radioed</b> 16:5 <b>radioing</b> 22:8 46:2 <b>rambling</b> 31:21 <b>rammed</b> 23:23 46:20,22 <b>reach</b> 28:2 <b>reaction</b> 32:4 <b>reactions</b> 33:3 <b>real</b> 32:25 <b>realize</b> 52:17 <b>realized</b> 23:2



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GREG DYKSMA, et al. vs. DEPUTY TOMMY PIERSON, et al.  
DEPUTY TOMMY PIERSON on 10/19/2017

DEPOSITION OF  
Index: really..sentenced

<b>really</b> 47:16 59:16	<b>report</b> 43:22 51:1,2,4,6,18, 20 52:2,5,10, 18	16 11:25 14:18 16:14 17:15,24 18:7 19:4,19 20:4,16,24 21:14,15,20, 21,23,25 22:3 23:2,15 24:6 25:17 26:20 27:17,20,23 28:22 29:7,9, 11,14,16 30:10,12,15,19 31:6,7,8,14,15 32:3,15,24 34:1,18 36:8 37:1,15 38:19 40:6,10,14,22, 24 42:10,13 43:8,15,16,19 44:3,10,19,22 45:2,21,24 46:9,13,25 47:13,20,21 48:6 50:24 51:25 52:24 53:9 54:20,22 55:8,11,16,18 56:9 57:21 58:22 59:6	<b>rotating</b> 55:12	25 33:1,4
<b>rearrange</b> 56:1	<b>reporter</b> 51:16		<b>route</b> 13:6,8	<b>screaming</b> 31:25 32:3 33:2 34:8,9,10, 11
<b>reason</b> 51:2	<b>reports</b> 50:22, 23		<b>rrrrrrr</b> 32:11 34:16	<b>search</b> 34:7 40:10,15 41:7, 11
<b>reasons</b> 8:5	<b>request</b> 44:1		<b>running</b> 15:15 24:23 25:1 54:3	<b>searched</b> 28:16 29:11 41:6
<b>recall</b> 12:11 15:13 18:20 19:9 39:14 45:7 52:22	<b>requested</b> 45:14 46:11 47:25		<b>S</b>	<b>searching</b> 35:6
<b>receive</b> 10:20	<b>requesting</b> 45:18		<b>safe</b> 30:11	<b>seat</b> 41:4
<b>received</b> 10:23	<b>require</b> 45:17		<b>said</b> 12:7 14:4 21:9 24:17,19 30:25 32:15 37:17 38:17 41:24 42:6 46:16,18,22 47:1 48:16 52:13,21,23 57:4	<b>second</b> 26:5 27:3 36:7
<b>recently</b> 21:3 52:2	<b>reserve</b> 6:13		<b>salts</b> 42:9,10	<b>seconds</b> 26:6, 23,24 35:25
<b>record</b> 6:22	<b>reserved</b> 6:8		<b>same</b> 16:9 52:11 55:10, 12,18,22	<b>see</b> 14:24 15:7 16:23 20:11 24:20 27:4 29:10 31:3,4 39:12 60:8
<b>records</b> 16:17 42:20 50:12	<b>resist</b> 31:11		<b>saw</b> 11:8,21 15:4,5,11,21 16:24 21:3,6 27:2,5 52:5,6	<b>seeing</b> 19:10
<b>reference</b> 19:23	<b>resisting</b> 26:2 41:14		<b>saying</b> 15:2 22:5 30:16 56:16 57:12	<b>seem</b> 44:2 52:5 57:13
<b>regular</b> 9:18	<b>respond</b> 12:9		<b>scene</b> 13:1 17:6,11 28:14 34:2 45:17 46:8 48:8 50:15 53:6	<b>seemed</b> 31:15, 23 39:19 47:15,16
<b>relative</b> 10:3	<b>responding</b> 17:6 24:19		<b>scenery</b> 15:17	<b>seems</b> 43:24
<b>relevance</b> 57:17	<b>response</b> 24:21		<b>schedule</b> 54:17	<b>seen</b> 19:11 30:6 33:7 49:11
<b>remember</b> 10:5 11:15,25 12:1, 5,23 16:6,8 19:22,23 21:5, 6 22:13,19 27:2 30:6 42:11 45:15,16 46:1 47:10,11 48:7 52:7 54:11 57:12 59:23	<b>responsibility</b> 46:23	<b>road</b> 12:24 13:10 19:8,10, 19,25 20:10, 23,25 21:11 23:15,18 24:2 48:11 58:7	<b>scream</b> 32:24,	<b>seems</b> 43:24
<b>remove</b> 43:1	<b>responsiveness</b> 6:10	<b>rocks</b> 48:20		<b>sent</b> 10:24
<b>removed</b> 44:16	<b>resuscitate</b> 47:23	<b>role</b> 44:12		<b>sentence</b> 59:11
<b>removing</b> 28:9 45:6	<b>retching</b> 39:3	<b>roll</b> 40:22		<b>sentenced</b> 58:24 59:9
	<b>reviewed</b> 10:18	<b>rolled</b> 35:9,19		
	<b>rhythm</b> 49:18	<b>rooting</b> 61:8		
	<b>riding</b> 54:4	<b>rotate</b> 55:3,6		
	<b>right</b> 7:3 8:11 9:6,23 10:14,			



GREG DYKSMA, et al. vs. DEPUTY TOMMY PIERSON, et al.  
DEPUTY TOMMY PIERSON on 10/19/2017

DEPOSITION OF  
Index: September..Sturdevant

<b>September</b> 10:8	<b>Side-by-side</b> 24:7,8	<b>slowed</b> 15:15, 18,19 22:15 26:3	<b>speak</b> 14:23 32:22 57:22	<b>step</b> 48:1
<b>sergeant</b> 18:1 22:7,18 24:2, 10,13 25:8 27:8 45:19 46:18 47:25 49:6 53:10,24 56:5	<b>signal</b> 45:4	<b>slowing</b> 22:17, 22	<b>speaking</b> 31:22	<b>stepped</b> 41:12
<b>set</b> 22:9	<b>signature</b> 6:13	<b>smelling</b> 42:9, 10	<b>special</b> 8:21	<b>sticking</b> 48:21
<b>seven</b> 10:15	<b>simple</b> 56:21	<b>soft</b> 48:13	<b>specific</b> 45:7, 12	<b>still</b> 7:6 9:15 13:19 15:15 22:1,15 23:12, 14,18 24:23 25:1,11 26:9 29:18 31:12,13 33:14,20,24 35:16,18 38:21 48:3
<b>several</b> 13:3 19:17 25:4 46:14 50:18	<b>sir</b> 7:1,4,10,15 8:9,12,15 9:1 10:1 11:6,11, 24 12:17 13:13,17,23 14:1,4 15:20, 23 16:11,17,21 17:1,3,9 18:11, 15,23 23:16 28:7 31:23 35:22 37:23,25 38:6,13 39:21 40:12,19 41:23 42:24 44:13 45:7,22 49:1, 13 52:3,25 55:19 56:10 58:20 59:3 60:21,23,25	<b>sole</b> 45:6 51:2	<b>specifically</b> 18:20	<b>stipulate</b> 51:15, 21,22
<b>sheriff</b> 8:11 10:11	<b>Sheriff's</b> 7:20, 24 50:20	<b>some</b> 8:20 9:13 10:16,17,18 11:6 15:2,3 20:23 25:9 33:4 34:14 35:3,19 37:22 38:19,24 41:13 42:1 45:10,24 46:13 48:3,10 49:21 50:11 54:15,16,19,21 60:6,7	<b>speculate</b> 36:14 38:18	<b>stomach</b> 33:15, 16,17 35:4,7
<b>shift</b> 41:16 46:7 52:24 54:13, 23,24 55:1,6,8, 10,18,24 56:1 58:4	<b>shifts</b> 55:7	<b>somebody</b> 27:3 34:9 37:2 40:5 42:23 43:3,20 53:5 55:17 57:4	<b>speed</b> 16:23 18:18 20:17 21:19	<b>stop</b> 9:25 10:10 13:15 18:7,10, 13,22 19:16, 21,24 20:7 22:9,23 33:1 37:21 58:6
<b>short</b> 36:10	<b>short</b> 36:10	<b>something</b> 7:12 10:9 24:17 29:25 31:1,13, 15 39:16,19 42:6,19 55:17	<b>speeding</b> 21:22	<b>stopped</b> 13:2 14:12 23:7,9 38:20 41:14 58:15
<b>shot</b> 53:23	<b>siren</b> 17:16	<b>somewhere</b> 13:15 53:23	<b>speeds</b> 21:10	<b>stopping</b> 17:21
<b>should</b> 56:4	<b>sit</b> 40:21,22 58:21	<b>soon</b> 26:6	<b>spend</b> 50:9	<b>strips</b> 18:10 19:16 22:9 23:8
<b>shoulder</b> 48:23	<b>sitting</b> 24:25	<b>sound</b> 33:5 38:23	<b>spending</b> 58:5	<b>stuck</b> 52:16
<b>show</b> 38:11,12	<b>situation</b> 9:2,6 36:25 45:11 47:17 52:14	<b>sounded</b> 32:10 39:4	<b>spent</b> 50:11	<b>stuff</b> 12:3,4 48:20 51:11 56:25
<b>showed</b> 11:22	<b>situations</b> 58:14	<b>south</b> 13:11,12	<b>spoke</b> 56:5,6	<b>stun</b> 43:11,12, 13,20 44:7
<b>shown</b> 36:14	<b>six</b> 10:14,15		<b>Springs</b> 12:24	<b>Sturdevant</b> 22:10 28:14,17 35:9 41:9 42:6
<b>shows</b> 36:5 38:17	<b>skills</b> 31:4		<b>stand</b> 57:12,14	
<b>side</b> 21:11 27:14,16,25 28:6 35:9 36:19,23 37:3 53:21,25	<b>sloped</b> 48:24		<b>standard</b> 42:22	
	<b>slow</b> 19:3 47:16		<b>start</b> 17:14 24:21 26:8 48:12	
			<b>started</b> 15:22 19:14 28:2 49:6	
			<b>status</b> 7:5 59:2	
			<b>stay</b> 55:5	
			<b>stayed</b> 22:18 41:9	
			<b>staying</b> 18:18 22:7	
			<b>steered</b> 23:25	

GREG DYKSMA, et al. vs. DEPUTY TOMMY PIERSON, et al.  
DEPUTY TOMMY PIERSON on 10/19/2017

DEPOSITION OF  
Index: subject..try

49:8 53:1,11	<b>taking</b> 6:25 9:6	<b>testify</b> 56:2,3	<b>thought</b> 23:9	47:14 49:8
54:1 55:23	30:13 44:21	<b>than</b> 11:19 14:9	28:21 46:11	<b>top</b> 20:17 51:8
<b>subject</b> 15:25	<b>Talbotton</b> 20:6,	36:7 38:4 52:7,	47:2	<b>total</b> 38:14
<b>sued</b> 10:17	7	19	<b>three</b> 26:14	<b>touched</b> 10:21
<b>suggested</b>	<b>talk</b> 45:8,12,17	<b>that's</b> 6:12 9:15	34:3,4 51:8	<b>toward</b> 13:12
48:11	<b>talked</b> 9:17	18:4 19:20	54:16,17	54:1
<b>summer</b> 10:8	<b>talking</b> 16:23	21:21 27:23	<b>through</b> 9:7	<b>towards</b> 12:8
<b>supervisors</b>	28:20 32:4,5	36:22 41:8,12	20:23	22:20
55:25	36:21 45:9	42:19 43:2	<b>time</b> 11:7 12:14	<b>traffic</b> 9:25
<b>supplemental</b>	46:21	44:20 45:4	17:7 19:10	19:9 45:14,15
51:7	<b>tase</b> 27:4 32:23	51:8 53:14	30:2 36:6,7,13	54:7
<b>supposed</b>	43:3	60:7 61:2	37:8 38:4,17	<b>trained</b> 39:16
59:10	<b>tased</b> 25:12	<b>their</b> 14:24	41:17 42:23	44:10 48:14
<b>sure</b> 7:13 17:24	27:3,18 34:9	19:12 42:20	43:2 46:5,24	49:11
20:15 21:10	<b>Taser</b> 25:18,24	<b>there's</b> 35:23	50:10,11 51:3	<b>training</b> 48:25
25:14,20 27:6,	26:3,5 32:4	43:11	52:11 53:3	<b>transcript</b> 57:3
8 37:11 47:6	33:10 42:16,23	<b>these</b> 58:14	54:6,24 55:17,	<b>transcripts</b> 57:2
56:19 58:2	43:22 44:4,10,	<b>thing</b> 21:21	24 58:5,17	<b>transmissions</b>
59:22 60:3,11	11,15 45:6,21	24:16 32:6	<b>times</b> 26:15	48:7
<b>surface</b> 48:17,	<b>Tasers</b> 33:3,8	34:15 36:24	35:24 38:3	<b>transpired</b> 12:4
19	<b>tases</b> 28:5	37:6,7 39:3	49:15 55:13	57:19
<b>suspended</b> 7:7	<b>tasing</b> 25:8	<b>things</b> 9:13,14	<b>tired</b> 49:7,20	<b>travel</b> 13:6
<b>suspension</b>	<b>team</b> 55:14	39:25	<b>tires</b> 22:11,12	<b>traveling</b> 13:19
7:11	<b>technique</b>	<b>think</b> 10:24	23:1,12 25:4	<b>trial</b> 56:13
<b>swear</b> 6:14	39:15	14:9 19:19	<b>today</b> 6:25	57:19,22
<b>switch</b> 49:15	<b>tell</b> 6:21 13:4	23:6,7 24:9	11:3,10 52:5	<b>tried</b> 19:20
<b>sworn</b> 6:17	16:22 21:2,4	25:25 26:1,18	58:22 59:9,11	23:10 25:2,6
	22:4 23:21	27:8 36:6,22	<b>together</b> 9:8	34:22 42:7
	27:1 28:8	37:18 41:8	24:6 55:15	49:18
<b>T</b>	31:12,13	46:19,22 51:6,	<b>told</b> 10:22 18:2	<b>tries</b> 23:21
<b>T-bone</b> 24:6	32:16,17	7,8 53:11,24	19:18 45:19,24	<b>truck</b> 13:2 24:5
<b>tag</b> 16:1,2,5	37:20,21 59:20	55:24 57:17	46:10 47:2	25:12,23
<b>take</b> 57:25	60:13	60:19,22	48:1 50:16	<b>true</b> 55:20
58:8,9,19	<b>temporarily</b>	<b>Thomas</b> 6:4,16,	<b>Tommy</b> 6:1	<b>try</b> 8:19 18:13
60:17	25:23	23	<b>too</b> 29:14	47:23 56:21
<b>taken</b> 6:4,7	<b>term</b> 46:20	<b>those</b> 6:9 16:17	34:18	
13:8,9	<b>testified</b> 6:17	24:14 55:21	<b>took</b> 10:25 13:6	
	56:17,18,22	56:2 59:16	29:2,13 30:9	
		<b>though</b> 22:19,	31:6 41:17	
		20 49:10		



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GREG DYKSMA, et al. vs. DEPUTY TOMMY PIERSON, et al.  
DEPUTY TOMMY PIERSON on 10/19/2017

DEPOSITION OF  
Index: trying..what's

<b>trying</b> 15:16 17:20,23 18:25 19:2,14 22:15 24:21,24 27:16 29:17,18 30:21 31:24 32:2,7,8, 13 33:18,20 35:14,16 37:11 40:16,17,20 41:18 49:19 57:13 59:18	30:12,15 51:14 52:12 56:19 57:9,17 59:14	<b>used</b> 43:22 44:4 45:4,21 46:19	<hr/> <b>W</b> <hr/>	<b>we'll</b> 6:12 51:15
<b>turn</b> 17:20 22:20	<b>understanding</b> 14:11,17 25:11 29:3 44:20 50:14	<b>useless</b> 49:23  <b>uses</b> 45:8	<b>waistband</b> 28:18,21,25	<b>We're</b> 9:13 <b>we've</b> 55:3
<b>turned</b> 13:20 15:3 17:4,14, 15 18:4,16,17, 21 19:20	<b>unless</b> 36:24 43:24 55:17 57:3	<hr/> <b>V</b> <hr/>	<b>wait</b> 13:15 18:2 60:8	<b>weapon</b> 28:18
<b>twice</b> 26:14	<b>unresponsive</b> 47:20 48:2,4	<b>vanish</b> 15:16	<b>waiting</b> 54:4	<b>weapons</b> 28:17 29:12 34:7
<b>two</b> 26:21 35:23 36:12,13 38:2 39:22 51:8 54:17	<b>until</b> 7:11 14:21 17:17 18:2,7,8, 16,17 40:15 41:6,15 47:1 49:9,19,25	<b>vehicle</b> 13:21 15:5,11 16:3 17:24 18:7 19:10 21:17,18 22:14,16,25 23:12,23,25 24:3,15,19,23 25:1,5 27:15, 19 30:3,16	<b>walked</b> 41:8  <b>walking</b> 31:3	<b>weeknight</b> 54:6
<b>type</b> 38:23	<b>up</b> 8:3,10,18, 20 9:15 12:19 14:7,13 15:4, 22,24 17:17 18:3 19:18 21:10 22:9,17 24:10,22 25:8 27:22,25 29:17 35:9,10 37:11, 12 40:19,21,22 41:18 48:1,21	<b>vehicles</b> 15:8	<b>wallet</b> 29:13  <b>want</b> 8:8 19:6 20:11 38:18 44:24,25 45:1 49:8 51:17 53:25 55:4 57:10,15,25 60:1	<b>weeks</b> 54:15, 19,21 55:4
<hr/> <b>U</b> <hr/>		<b>verbal</b> 24:13	<b>wanted</b> 22:1 37:6 51:4	<b>weight</b> 37:9 41:17
<b>Um-hum</b> 21:12 24:1 35:3,21		<b>verify</b> 42:19	<b>wanting</b> 38:11	<b>weird</b> 47:17
<b>unable</b> 30:23	<b>upper</b> 35:1 37:17 38:15 39:8 40:17,19 41:16,19	<b>very</b> 11:13 19:9 37:8 52:14 53:11 54:7	<b>Warm</b> 12:24	<b>well</b> 9:7 10:4 15:21 16:9 17:23 19:12 20:7,23 21:9 26:8 27:2 28:14 32:7,16 37:8 40:3 41:6 48:16 51:10 53:18 55:3 57:3 59:18
<b>uncle</b> 44:25		<b>VFW</b> 22:10	<b>wasn't</b> 19:2 20:25 24:19 25:23 29:3,5 30:13 32:7 34:22 37:9,11 38:22 41:6,15 44:11,12 46:23 47:1,8 49:22, 24 52:16,19	<b>went</b> 8:13 11:9 13:11 17:2 20:18,23 23:23 36:23 46:15
<b>unconventional</b> 61:5	<b>us</b> 6:21 12:9 16:22 20:11 26:2 32:14 33:12,21 34:4, 21,23 47:10	<b>video</b> 11:4,8, 15,18,19,21 12:3,4 17:10, 12 21:3,7 27:12 30:7 34:18 35:23 36:5,14 38:17 52:5,6,11	<b>watch</b> 47:8	<b>weren't</b> 10:25 27:6 33:7 47:6 48:6 49:11
<b>under</b> 6:17 7:11 14:22 21:17 29:24 30:25		<b>videos</b> 10:19 11:4	<b>wave</b> 37:24  <b>Waverly</b> 20:7	<b>west</b> 13:10 54:1
<b>underlying</b> 12:11	<b>use</b> 39:22 43:11 44:9 45:10	<b>visible</b> 38:4	<b>way</b> 10:4 16:20 28:3 42:8,15 45:20,25 47:15,16,19 52:7 57:24	<b>westsouth</b> 53:21
<b>understand</b> 8:16 21:16		<b>voluntarily</b> 23:7		<b>what's</b> 12:2 38:11,12



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DEPUTY TOMMY PIERSON on 10/19/2017

DEPOSITION OF  
Index: whatever..zones

<b>whatever</b> 16:12 21:25 26:7,15 31:10 32:18,20 34:17 38:15 51:18 59:12	59:15 <b>wielding</b> 29:3 <b>wiggling</b> 29:17 <b>will</b> 6:3,8 33:4 51:21,22 59:24 60:3,6 61:8 <b>Williams</b> 6:12 10:21 26:19, 22,24 36:4,9 51:10,13,17,22 57:16 59:12, 15,24 60:2,11 61:3,6,9 <b>Winded</b> 39:6 <b>window</b> 25:7 27:19,24 <b>within</b> 10:13 18:18 53:9 <b>without</b> 23:12 36:13 57:21 <b>witness</b> 56:7, 22 57:12,14 <b>women</b> 58:6,14 <b>won't</b> 33:4 36:14 57:3 60:7,9 <b>wondering</b> 33:1 <b>word</b> 34:12 46:19 <b>words</b> 12:2 31:19 32:2,7, 14 <b>work</b> 7:23 8:20 54:15,16,19,21 <b>worked</b> 54:2,23 55:15 <b>working</b> 10:11	49:22 50:10 53:14 55:13, 18,21 <b>worry</b> 40:23 <b>would</b> 12:4,19 13:7,8,9 14:8 17:12 19:11,15 20:16,25 29:7, 21,24 32:25 34:8 35:12 37:15 38:3,14 39:22 41:16 42:19 44:1,2, 16 45:10,23 46:15 54:8 55:6,9,18,23 58:6 60:4 61:5 <b>wouldn't</b> 16:15 17:10 25:4 35:14 <b>writing</b> 50:22, 23 51:11 <b>wrong</b> 21:11 34:11 52:21 58:12 <hr/> <b>Y</b> <hr/> <b>y'all</b> 12:18 13:2 24:6 25:22 26:4 29:7 31:6 44:16 47:18, 19,22 49:14, 23,24 53:3,4,8 55:14,18 <b>y'all's</b> 42:21 <b>yeah</b> 10:7,24 13:4,7 15:7 20:6,8 21:15 24:9,18 31:20 32:23 33:6	36:22 39:7 44:23 48:22 49:21 51:13,20 52:16 55:2 56:14 57:7 60:9,11 <b>year</b> 7:21,22 10:7 55:20 <b>years</b> 7:18,19 <b>yelling</b> 24:13 32:6 34:13 <b>yet</b> 58:24 <b>you'd</b> 50:12 54:15,16,19, 21,24 57:2 58:15 <b>you're</b> 8:21 54:3,4 <b>you've</b> 26:7 44:6 49:11 59:20 <b>yourself</b> 13:15 37:12 <hr/> <b>Z</b> <hr/> <b>zones</b> 20:23 54:2
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